



## Hennepin County Sheriff's Office Policy Manual

### MISSION AND VALUES

#### **Our Mission:**

***Providing quality professional services while building meaningful relationships that are sustainable within our communities, and with our partners, to ensure justice and safety for all.***

#### **Our Values:**

***Service. Accountability. Culture. Responsiveness. Ethics. Dedication.***

# Hennepin County Sheriff Policy Manual

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Document Number: **100**  
Document Name: **Law Enforcement Authority**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

## 100.1 PURPOSE AND SCOPE

Peace officers are granted the authority to perform their function based on established legal authority. This office does not tolerate abuse of law enforcement authority.

## 100.2 PEACE OFFICERS POWERS

Deputy Sheriffs of this office are peace officers pursuant to Minn. Stat. § 626.84 Subd. 1 (c).

The authority of a full-time peace officer extends to any place within the jurisdiction of the employing authority at all times and any place within the state while on-duty (Minn. Stat. § 629.34 Subd. 1 and Minn. Stat. § 629.40).

A full-time deputy sheriff's peace officer authority when off-duty and outside the jurisdiction of the Office is limited to circumstances that would permit the deputy sheriff to use deadly force under Minn. Stat. 609.066. Under any other circumstances the off-duty deputy sheriff is limited to the same power as members of the general public.

The authority of a part-time peace officer extends to any place within the state only while on-duty (Minn. Stat. § 629.34 Subd. 1 (b)).

## 100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and Minnesota Constitutions.

## 100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states as applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state. Peace officer powers may also be extended when an on-duty officer enters Minnesota in fresh pursuit of a misdemeanor or infraction subject, or at any time when in fresh pursuit of a felony subject (Minn. Stat. § 626.65 and Minn. Stat. § 626.71).

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Peace officers from another state may possess and exercise peace officer powers in Minnesota if acting consistent with a joint powers agreement or mutual aid agreement consistent with Minn. Stat. 471.59 Subd. 12 or transporting a prisoner as authorized by Minn. Stat. 626.72. In addition, federal peace officers and peace officers from states adjoining Minnesota have full arrest powers if all of the following conditions are met (Minn. Stat. 626.77):

- a) The officer is on-duty and acting on a request of a Minnesota peace officer.
- b) The officer is acting under the direction of a Minnesota peace officer.
- c) The officer is acting in accordance with the policies and procedures of their own agency.
- d) If an arrest is made, the officer surrenders custody of the arrestee to a Minnesota peace officer.



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| Document Number: | <b>102</b>                           |
| Document Name:   | <b>Chief Law Enforcement Officer</b> |
| Effective Date:  | <i>August 1, 2015</i>                |
| Document Status: | <i>Approved</i>                      |

## 102.1 PURPOSE AND SCOPE

The Minnesota Legislature acting through the Minnesota Board of Peace Officer Standards and Training (POST Board) has mandated that all peace officers employed within the State of Minnesota shall hold a POST Board license (Minn. Stat. § 626.846, Minn. Stat. § 626.862 and Minn. Stat. § 626.863).

### 102.1.1 LICENSE REQUIREMENTS

Any chief law enforcement officer of this office, as defined in Minn. R. Ch. 6700.0100, shall as a condition of employment, have completed the course of training prescribed by the POST Board, meet the minimum selection standards for a peace officer (Minn. R. 6700.0700) and have passed the peace officer licensing examination (Minn. R. 6700.0300, and Minn. R. 6700.0500). The peace officer license shall be renewed every three years as required by Minn. R. 6700.1000.

### 102.1.2 SHERIFF CANDIDATE REQUIREMENTS

Any person who files as a candidate for, or is appointed to the Office as the Sheriff of Hennepin County within the State of Minnesota, shall hold a POST Board license as a peace officer before entering upon the duties of the Office (Minn. Stat. § 387.01). Prior to performing duties, a sheriff shall give bond to the state as prescribed by Minnesota law.





Document Number: **104**  
Document Name: **Oath of Office**  
Effective Date: *December 27, 2017*  
Document Status: *Approved*

**104.1 PURPOSE AND SCOPE**

Deputy Sheriffs of this office are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

**104.1.1 OATH OF OFFICE**

Upon employment, all deputy sheriffs and special deputies shall be required to affirm, sign and date the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of the position, regardless of whether law mandates such an oath. The oath shall be as follows:

I, (employee name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will faithfully and impartially discharge the duties of (applicable position or office) within and for the County of Hennepin and State of Minnesota to which I have been appointed to the best of my knowledge and ability, so help me God.

**104.1.2 MAINTENANCE OF RECORDS**

Oaths mandated by law shall be filed as required by law (Minn. Stat. § 358.11, Minn. Stat. § 387.01 and Minn. Stat. § 387.14). Other oaths shall be maintained consistent with other personnel employment records.



Document Number: **106**  
Document Name: **Policy Manual**  
Effective Date: *July 20, 2023*  
Document Status: *Approved*

**106.1 PURPOSE AND SCOPE**

The manual of the Hennepin County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this office. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

**106.2 POLICY**

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members under the circumstances reasonably apparent at the time of any incident.

**106.2.1 DISCLAIMER**

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The Office reserves the right to revise any policy content, in whole or in part.

**106.3 AUTHORITY**

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall ensure compliance with all applicable Minnesota law. The Sheriff or Chief Deputy is responsible for issuing Special Orders, which shall modify those provisions of the manual to which they

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pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

## 106.4 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CFR** - Code of Federal Regulations

**Child** - Any person under the age of 18 years.

**County** - The County of Hennepin

**Civilian** - All employees and volunteers who are not licensed peace officers.

**Deputy Sheriff** - An employee of the Office who is required to be certified by POST pursuant to Minn. Stat. § 626.84 (c) or otherwise holds a peace officer license. The term includes licensed full-time officers who perform the duties of a peace officer.

**Deputy Sheriff/licensed/sworn** - Those employees, regardless of rank, who are licensed peace officer employees of the Hennepin County Sheriff's Office.

**DPS** - The Minnesota Department of Public Safety

**DVS** - The Minnesota Department of Driver and Vehicle Services

**Employee/personnel/member** - Any person employed by the Office or appointed by the Sheriff to include licensed deputy sheriffs, officers on loan from other agencies, civilian employees, and volunteers.

**ESD** - Enforcement Services Division

**Manual** - The Hennepin County Sheriff's Office Policy Manual

**May** - Indicates a permissive, discretionary or conditional action.

**MSP** - Minnesota State Patrol

**Office/HCSO** - The Hennepin County Sheriff's Office

**On-duty** - Employee status during the period when they are actually engaged in the performance of their assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**POST** - The Minnesota Board of Peace Officer Standards and Training

**Public Safety Responder** - Any sworn or non-sworn member of any sheriff's office or police department, and all fire personnel.

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**Rank** - The job classification title held by a deputy.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority whose duties may include hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other employees, directing the work of other employees, or adjustment of other employees' grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment (Minn. Stat. § 179A.03 Subd. 17).

The term "supervisor" may also include any supervisor, lead worker, unit leader or other person given responsibility for direction of work without regard to formal job title, rank or aspects of compensation established by a collective bargaining agreement, the Fair Labor Standards Act, the Public Employees Labor Relations Act or any similar statutes or ordinances related to employment compensation or benefits. On those occasions where a single employee is working, that employee may also be the supervisor, except when circumstances reasonably require the notification or involvement of the employee's off-duty supervisor or an on-call supervisor.

**USC** - United States Code

## 106.5 ISSUING THE POLICY MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Sheriff
- Chief Deputy
- Bureau Majors

An electronic version of the Policy Manual will be made available to all employees. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

Each member shall acknowledge that they have been provided access to and have had the opportunity to review the Policy Manual and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

## 106.6 PERIODIC REVIEW OF THE POLICY MANUAL

The policy manual will be reviewed in accordance with approved auditing schedules to include POST mandates, recent court decisions and legislative changes.

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## 106.7 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Office Policy Manual revisions. Each employee shall review all revisions and/or new policies and seek clarification from a supervisor, as needed.

The Collaborative Policy Committee (CPC) and other subject matter experts as designated by Sheriff's Administration will meet bi-weekly to review all policy updates and new policies. Recommendations from the policy group shall be forwarded to Sheriff's Administration for review and approval.

Each unit/division commander or manager will ensure that employees under their command are aware of any Policy Manual revisions.

All Office employees suggesting any revision to the contents of the Policy Manual shall forward their written suggestions to their division/unit commander who will consider the recommendation and forward it to the bureau Major and the Professional Services Division Captain.



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| Document Number: | <b>200</b>   |
| Document Name:   | <b>Organizational Structure and Responsibility</b> |
| Effective Date:  | <i>December 12, 2016</i>                           |
| Document Status: | <i>Approved</i>                                    |

**200.1 PURPOSE AND SCOPE**

The organizational structure of the Office is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public. The current organizational structure can be accessed on the Office intranet page and is subject to change.

**200.2 COMMAND PROTOCOL**

**200.2.1 SUCCESSION OF COMMAND**

The Sheriff exercises command over all personnel in the Office. During planned absences the Chief Deputy, Bureau Majors or designee shall act with the authority of the Sheriff. For circumstances in which the Sheriff, Chief Deputy, Bureau Majors or their designee is absent, the Sheriff will designate a Captain to serve as the acting commander of the Office.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Investigative Division Captain
- (b) Enforcement Services Division Captain
- (c) Professional Standards Division Captain
- (d) Watch Commander

**200.2.2 UNITY OF COMMAND**

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g. ESU), any supervisor may temporarily direct any subordinate if an operational necessity exists.

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### **200.2.3 ORDERS**

Employees shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

### **200.2.4 UNLAWFUL AND CONFLICTING ORDERS**

No employee is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the affected employee shall ask the issuing supervisor to clarify the order or confer with a higher authority.

Responsibility for refusal to obey rests with the employee, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, employees who are presented with an order that is in conflict with a previous order, Office policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the employee is obliged to comply. Employees who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason therefore.



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| Document Number: | <b>204</b>            |
| Document Name:   | <b>SPECIAL ORDERS</b> |
| Effective Date:  | <i>August 1, 2015</i> |
| Document Status: | <i>Approved</i>       |

## 204.1 PURPOSE AND SCOPE

Special Orders establish an interdepartmental communication that may be used by the Sheriff as a means of disseminating information to the Office. A Special Order is a directive issued by or under the authority of the Sheriff and is generally applicable to all or a significant portion of the Office. A Special Order takes effect the date of issuance and remains in effect until amended, rescinded, becomes inoperative with the passing of the incident or situation, or is included in a Policy Manual revision, if appropriate.

### 204.1.1 SPECIAL ORDER PROTOCOL

Any Special Order issued by the Sheriff or designee shall be sent via e-mail Office-wide and posted on the bulletin board of divisions, units or sections within the Office. All Special Orders shall be posted a minimum of 21 days. To create a record of all major directives given or information disseminated to the Office, Special Orders will be available and archived on the Office intranet page under "ONLINE SERVICES". Special Orders will be listed by Special Order number and subject. Any Special Order issued shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 15-01 signifies the first Special Order for the year 2015.

## 204.2 RESPONSIBILITIES

### 204.2.1 STAFF

The Personnel Unit shall review and make revisions to the Policy Manual, which will incorporate required changes originally communicated by Special Order.

### 204.2.2 SHERIFF

The Sheriff or designee shall issue all Special Orders.

## 204.3 ACCEPTANCE OF SPECIAL ORDERS

Any Special Order sent via Office email shall be considered to have been accepted by the member.





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| Document Number: | <b>206</b>                       |
| Document Name:   | <b>EMERGENCY OPERATIONS PLAN</b> |
| Effective Date:  | <i>July 28, 2014</i>             |
| Document Status: | <i>Approved</i>                  |

## 206.1 PURPOSE AND SCOPE

The Office has prepared, in compliance with the Minnesota Emergency Management Act of 1996 (Minn. Stat. § 12.09), an Emergency Operations Plan. This is for the guidance and use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

## 206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan (EOP) can be activated in a number of ways. The Sheriff, or the highest ranking official on-duty or an on-scene responder may activate the EOP in response to a major emergency, or it can be activated for the Office.

### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or designee.

Failure to promptly respond to an order to report for duty may result in discipline.

## 206.3 LOCATION OF PLAN

Copies of the EOP will be maintained in each division.

## 206.4 PLAN REVIEW

At least once every two years the Office should conduct a review of the EOP incorporating a full or partial exercise, tabletop or command staff discussion.

## 206.5 PLAN TRAINING

The Office shall provide training in the EOP for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the EOP and the roles Office employees will play when the plan is implemented.



Document Number: **208**  
Document Name: **Training**  
Effective Date: *December 14, 2020*  
Document Status: *Approved*

**208.1 PURPOSE AND SCOPE**

It is the policy of this office to administer a training program that will meet the standards of federal, state and local laws along with the Minnesota POST Board of Peace Officer Standards and Training (MN POST Board) continuing education and provide for the professional growth and continued development of its personnel. By doing so, the Office seeks to ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

**208.2 PHILOSOPHY**

The Office seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Office will ensure that its personnel attend courses certified by the MN POST Board or other regulatory or nationally recognized entities. Examples of these entities may be, but are not limited to, the American Correctional Association and the American Jail Association.

**208.3 OBJECTIVES**

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of Office personnel.
- (c) Provide for continued professional development of Office personnel.
- (d) Assist in compliance with MN POST Board rules and regulations concerning law enforcement training.

**208.4 TRAINING PLAN**

- A. It is the responsibility of the Employee Development Unit to develop, review, update and maintain a variety of internal training programs to ensure that mandated basic, in-service and Office-required training is completed by all employees, including:
  - 1. Use of force training programs that address State required minimum mandated training for the licensing of peace officers.

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2. Crisis intervention and mental illness crises; conflict management and mediation; ensuring safer interactions between peace officers and persons with autism; and recognizing and valuing community diversity and cultural differences training programs that address State required minimum mandated training for the licensing of peace officers.
  3. Emergency vehicle operation and pursuit driving training programs that address State required minimum mandated training for the licensing of peace officers, and other employees as required.
  4. Use of force training programs for non-licensed employees.
  5. Emergency medical aid training programs for all employees.
  6. New employee orientation training programs for all employees.
- B. The Employee Development Unit will develop and maintain a systematic and detailed method for recording the training received by Office employees. These records will include:
1. Lesson plans and supporting documentation for all internal training programs.
  2. Course information and supporting documentation for all external training programs.
  3. Training attendance and completion records for all employees.
- C. The Employee Development Unit Commander or designee shall review each internal training program on an annual basis, or as needed to ensure that the course content is current and relevant.

#### **208.4.1 STATE MANDATED TRAINING**

State training requirements include, but are not limited to, 48 hours of MN POST Board approved law enforcement related courses every three years for all deputy sheriffs.

This training must include:

1. Completion of use of force training every year based on the Office's Use of Force Policy and the learning objectives provided by the MN POST Board (Minn. Stat. § 626.8452 Subd. 3.)
2. Completion of in-service training in crisis intervention and mental illness crises; conflict management and mediation; ensuring safer interactions between peace officers and persons with autism; and recognizing and valuing community diversity and cultural differences to include implicit bias training to every deputy. This training shall comply with learning objectives developed and approved by the POST board, shall meet board requirements for board-approved continuing education credit and shall be provided by an approved entity. The training shall consist of at least 16 continuing education credits with a minimum of six hours for crisis intervention and mental illness crisis training and four hours to ensure safer interactions between peace officers and persons with autism within a deputy's three-year licensing cycle (Minn. Stat. § 626.8469.)
3. Completion of an eight-hour course in emergency vehicle operation and vehicle pursuits as set forth in the Vehicle Pursuit Policy.

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## **208.4.2 ATTENDANCE AND COMPLETION**

Unless extraordinary circumstances exist, Office employees are required to attend and successfully complete all assigned training events.

The methods used to evaluate an employee's performance as part of an internal training program will be competency based and utilize performance objectives related to their job class and/or work assignment. The specific criteria used for evaluation will be outlined in the training program lesson plan.

If an employee fails to display satisfactory performance as part of an assigned training event, a training development plan may be implemented to assist the employee in improving their skills and job performance.

At the conclusion of an assigned training event, employees will be required to complete and submit a training evaluation form.

## **208.5 TRAINING NEEDS ASSESSMENT**

The Employee Development Unit will be responsible for developing, reviewing, updating and maintaining an annual training-needs assessment to identify the ongoing training needs of the Office. As part of the assessment, training needs will be categorized and prioritized as:

- (a) Required for licensure, certification or continuing education.
- (b) Core curriculum for job class/work assignment.
- (c) Discretionary.

## **208.6 TRAINING RECORDS**

The Employee Development Unit is responsible for the creation, filing and storage of all employee training records in compliance with MN POST Board standards (Minn. Stat. § 626.8469 Subd. 2). Training records shall be retained as long as the employee's personnel file is retained.

## **208.7 REPORTING TRAINING TO POST**

The MN POST Board distributes license renewals directly to licensed peace officers and requires the licensee to report completed continuing education courses from the previous license period. Employee Development will maintain these records and report that information to POST. If audited, Deputy Sheriffs are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.



Document Number: **212**  
Document Name: **Email Management and Storage**  
Effective Date: *April 11, 2019*  
Document Status: *Approved*

**212.1 PURPOSE AND SCOPE**

Under the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13), Hennepin County is a government entity that collects, creates, receives, maintains or disseminates government data. Emails regarding county or Office business are subject to the requirements of the Minnesota Government Data Practices Act. Additionally, emails should be managed in a way that improves overall network performance to the benefit of all Office employees. The purpose of this policy is to communicate expectations for the management and storage of Office emails.

The Office will follow the County's Administrative Manual Policy on Email Management and Storage. Following is a link to that policy:

<https://hcconnect.hennepin.us/CtyAdmin/layouts/15/WopiFrame.aspx?sourcedoc={F83AFC79-F2C3-4252-9FDE-CBA26EF640BC}&file=Email%20Management%20and%20Storage%20Policy%20and%20Procedures.docx&action=default>



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|------------------|--------------------------------------|
| Document Number: | <b>214</b>                           |
| Document Name:   | <b>Administrative Communications</b> |
| Effective Date:  | <i>November 30, 2021</i>             |
| Document Status: | <i>Approved</i>                      |

#### **214.1 PURPOSE AND SCOPE**

Administrative communications of this office are governed by the following policies.

#### **214.2 OFFICE E-MAIL AND SHAREPOINT**

Office email and SharePoint may be used by the Sheriff or designee to announce and document information to include, but not limited to all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status. Such information is personnel data under Minn. Stat. 13.43 and shall be treated accordingly.

#### **214.3 CORRESPONDENCE**

In order to ensure that the letterhead and name of the Office are not misused, all official external correspondence shall be on Office letterhead. All Office letterhead shall bear the signature element of the Sheriff. Official correspondence and use of letterhead requires approval of a supervisor. Office letterhead may not be used for personal use or other non-official work purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

#### **214.4 SURVEYS**

All surveys made in the name of the Office shall be authorized by the Sheriff or designee.

#### **214.5 OTHER COMMUNICATIONS**

Special Orders and other communications necessary to ensure the effective operation of the Office shall be issued by the Sheriff or designee.



Document Number: **218**  
Document Name: **Concealed Firearm Permit**  
Effective Date: *September 25, 2015*  
Document Status: *Approved*

**218.1 PURPOSE AND SCOPE**

The Sheriff is given the statutory authority to issue a permit to carry a pistol to residents within the county and persons who do not reside in Minnesota. This policy will provide a written process for the application and issuance of such permits.

**218.2 QUALIFIED APPLICANTS**

To apply for a permit to carry a firearm, the applicant must meet the following requirements (Minn. Stat. § 624.714 Subd. 2):

- (a) Be a citizen or a permanent resident of the United States.
- (b) Must be a Minnesota resident of the county in which the permit is requested. Non-Minnesota residents may apply to any Minnesota county sheriff.
- (c) Be at least 21 years of age.
- (d) Submit a fully completed permit application form.
- (e) Must not be prohibited from possessing a firearm under Minn. Stat. § 518B.01 Subd. 14, 609.224 Subd. 3, 609.2242 Subd. 3, 609.749 Subd. 8, 624.713, 624.719, 629.715 Subd. 2 and 629.72 Subd. 2.
- (f) Present a photocopy of a driver's license, state identification card, or the photo page of a passport.
- (g) Provide a certificate of completed authorized firearms training conducted by a certified instructor within one year of the original or renewal application.
- (h) Be free from any federal law prohibiting the applicant from possessing or owning a firearm.
- (i) Not be listed in the criminal gang investigative data system.
- (j) Pay the required processing fee.

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## 218.3 APPLICATION PROCESS

Application forms shall be furnished by the Office upon request or available on the Internet (Minn. Stat. § 624.714 Subd. 3). The application must be submitted in person. Upon receipt of an application for a permit and any required fee, the Office must provide a signed receipt indicating the date of submission.

An investigation of the applicant to determine if they are eligible shall be conducted (Minn. Stat. § 624.714 Subd. 4). The Sheriff shall notify the Chief of Police, if any, of the municipality where the applicant resides.

The Office must, within 30 days after receipt of the application:

- (a) Issue the permit to carry;
- (b) Deny the application on the grounds that the applicant failed to qualify under the criteria described in Minn. Stat. §624.714 Subd. 2(b); or
- (c) Deny the application on the grounds that a substantial likelihood exists that the applicant is a danger to oneself or the public if authorized to carry a pistol under a permit.

Failure to notify the applicant of a denial within 30 days after receipt of the application constitutes issuance of the permit to carry.

Upon issuing a permit, the Office shall provide a laminated permit card to the applicant by first class mail, unless personally delivered. Within five business days, the Office must submit the permittee's name, residence and driver's license number or state identification card number to the Commissioner of Public Safety. A permit expires five years after the date of issue.

If the application is denied, the Office shall send the applicant written notification and the specific factual basis justifying the denial, including the source of the factual basis.

The Office shall inform the applicant of the applicant's right to submit within 20business days any additional documentation related to the propriety of the denial. Upon receiving any additional documentation, the Office will reconsider the denial and will inform the applicant within 15 business days of the results of the reconsideration.

Any denial after reconsideration will be in the same form and substance as the original denial and will specifically address any continued deficiencies in light of the additional documentation submitted by the applicant. The applicant will be informed of the right to seek a de novo or judicial review of the continued denial by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

## 218.4 EMERGENCY PERMIT

The Sheriff may issue an emergency permit if the Sheriff determines that the person is in an emergency situation that may constitute an immediate risk to the safety of the person or to someone residing in the person's household. A person seeking an emergency permit must complete an application form and must sign an affidavit describing the emergency



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situation. An emergency permit applicant does not need to provide evidence of training. No fee may be charged for an emergency permit. An emergency permit is valid for 30 days, may not be renewed and may be revoked without a hearing (Minn. Stat. § 624.714 Subd. 11a). An emergency permit holder may seek a regular permit and is subject to the other applicable provisions of the statute.

## **218.5 VOIDING A PERMIT**

A permit to carry is void at the time the holder becomes prohibited by law from possessing a firearm, in which the permittee must return the permit card to the issuing sheriff within five business days after the permit holder knows or should know they are a prohibited person. If the Sheriff has knowledge that a permit is void, the Sheriff must give written notice to the permit holder.

## **218.6 REVOKING A PERMIT**

The Sheriff may file a petition with the district court for an order revoking a permit on the grounds that there is a substantial likelihood that the person is a danger to self or to the public if they are authorized to carry a pistol under permit. An order revoking a permit shall be issued *only* if the Sheriff proves by clear and convincing evidence that the permittee is a danger to self or to the public. Incidents of alleged criminal misconduct that are investigated and documented may be considered.

A permit holder whose permit was revoked may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

## **218.7 APPLICATION FOR RENEWAL**

If a permittee wishes to renew the pistol permit, the permit may be renewed no earlier than 90 days prior to the expiration date in the same manner and under the same criteria the original permit was obtained (Minn. Stat. § 624.714 Subd. 7). The Sheriff shall issue a renewal if all statutory provisions are met.

The permittee must successfully retake an approved firearms course within one year of applying for the renewal permit (Minn. Stat. § 624.714 Subd. 2a).

## **218.8 CARRYING CONCEALED FIREARMS IN RESTRICTED AREAS**

Firearm permittees, other than peace officers, are prohibited from carrying firearms within the following locations:

- (a) Secure areas of a public airport.
- (b) School property except as authorized by Minn. Stat. § 609.66 Subd. 1d.
- (c) A child care center while children are present except as authorized by Minn. Stat. § 609.66 Subd. 1d.

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- (d) In a public place while under the influence of alcohol or a controlled substance (Minn. Stat. § 624.7142 Subd. 1).
  - (e) Public colleges and universities following implementation of a policy restricting the carrying or possession of firearms on their premises by employees and students while on campus. However, under Minn. Stat. 624.714 Subd. 18 such prohibitions apply only to faculty and students. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.
  - (f) Private establishments that have posted a sign banning firearms on their premises provided the posting meets the requirements of Minn. Stat. 624.714 Subd. 17.
  - (g) Private establishments whose personnel inform the permit holder that firearms are prohibited and demand compliance. This provision is violated only after the permit holder refuses to depart the premises.
  - (h) Places of employment, public or private, if the employer restricts the carrying or possession of firearms by employees. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.
  - (i) State correctional facilities or state hospitals and grounds (Minn. Stat. § 243.55).
  - (j) Any jail, lockup or correctional facility (Minn. Stat. § 641.165).
  - (k) Courthouse complexes, unless the Sheriff is notified or other exceptions established in the statute apply (Minn. Stat. § 624.14, 609.66).
    - 1. Pursuant to the standing order of the Hennepin County District Court, permittees are not entitled to possess firearms in Hennepin County Courthouse complexes.
  - (l) Offices and courtrooms of the Minnesota Supreme Court and Court of Appeals as established by order of the court. Violation of such a ban by a permit holder may be enforced as civil or criminal contempt of court but is not a violation of the carry permit law.
  - (m) Any state building unless the Commissioner of Public Safety is notified or other exceptions established by statute are applicable (Minn. Stat. § 609.66).
  - (n) In federal court facilities or other federal facilities (Title 18 USC 930).

A permittee must have the permit card and a driver's license, state identification card, or other government-issued photo identification in immediate possession at all times when carrying a pistol and must display the permit card and identification document upon lawful demand by a peace officer.

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## 218.9 RECOGNITION OF PERMITS FROM OTHER STATES

A person who possesses a firearms permit from another state that is on the annual list of states with firearm regulations substantially similar to Minnesota, published by the Commissioner of Public Safety, and that has reciprocity to carry a firearm in Minnesota has lawful authority to carry a pistol in Minnesota (Minn. Stat. § 624.714 Subd. 16). The permit issued by the other state does not supersede Minnesota laws or regulations so that the permit holder becomes or is prohibited from possession of a firearm under Minnesota law. The permit from another state can be invalidated to carry a firearm in Minnesota.

**Link to Reciprocity Report:**

<https://dps.mn.gov/divisions/bca/bca-divisions/administrative/Pages/permit-to-carry-reciprocity.aspx>



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|------------------|--|
| Document Number: | <b>220</b>   |
| Document Name:   | <b>Retired Deputy Sheriff's Concealed Firearm Permit</b> |
| Effective Date:  | <i>August 1, 2015</i>                                    |
| Document Status: | <i>Approved</i>  |

**220.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Hennepin County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

**220.2 POLICY**

It is the policy of the Hennepin County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

**220.3 LEOSA**

The Sheriff may issue an identification card for LEOSA purposes to any former deputy of this office who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this office as a deputy.
- (b) Before such separation, had regular employment as a deputy for an aggregate of 10 years or more or, if employed as a deputy for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this office where the deputy acknowledges that they are not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

**220.4.1 LEOSA IDENTIFICATION CARD FORMAT**

The LEOSA identification cards should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

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If the Hennepin County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Office to meet the active duty standards for qualification to carry a firearm.

#### **220.4.2 AUTHORIZATION**

Any qualified former law enforcement officer, including a former deputy of this office, may carry a concealed firearm under 18 USC § 926C when they are:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - 1. An indication from the person's former law enforcement agency that they have, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
  - 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Minnesota law or by a private person or entity on their property if such prohibition is permitted by Minnesota law.

#### **220.4 FORMER DEPUTY RESPONSIBILITIES**

A former deputy with a card issued under this policy shall immediately notify the Shift Supervisor of their arrest or conviction in any jurisdiction, or that they are the subject of a court order, in accordance with the Reporting of Employee Convictions and Court Orders Policy.

##### **220.4.1 RESPONSIBILITIES UNDER LEOSA**

In order to obtain or retain a LEOSA identification card, the former deputy shall:

- (a) Sign a waiver of liability of the Office for all acts taken related to carrying a concealed firearm, acknowledging both their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Office.

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- (b) Remain subject to all applicable office policies and federal, state and local laws.
  - (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
  - (d) Successfully pass an annual criminal history background check indicating that they are not prohibited by law from receiving or possessing a firearm.

## **220.5 DENIAL, SUSPENSION OR REVOCATION**

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

## **220.6 FIREARMS QUALIFICATIONS**

A firearms instructor may provide former HCSO deputies or other qualified law enforcement officer with an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Office will maintain a record of the qualifications and weapons used.



Document Number: **222**  
Document Name: **Handgun Purchase and Transfer Permit**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

### 222.1 PURPOSE AND SCOPE

The Sheriff is given the statutory authority to issue a permit to purchase or transfer a pistol to persons within the community. This policy provides a written process for the application and issuance of such permits.

### 222.2 APPLICATION PROCESS

To apply for a permit to purchase or transfer a pistol, the applicant must complete and submit a signed and dated Minnesota Uniform Firearm Application and Receipt to the Office (Minn. Stat. § 624.7131 Subd. 1). These forms shall be freely available to members of the community at locations determined by the Sheriff. Applications are also available on the Internet at <https://dps.mn.gov/divisions/bca/bca-divisions/administrative/Pages/firearms-permit-to-purchase-transfer.aspx> (Minn. Stat. § 624.7131 Subd. 3).

Incomplete applications are not suitable for processing and may not be accepted.

The Office shall provide the applicant a dated receipt upon the presentation of the application (Minn. Stat. § 624.7131 Subd. 1 (d)).

### 222.3 INVESTIGATION

The Office shall conduct an investigation of the applicant to determine if they are eligible for a permit (Minn. Stat. § 624.7131 Subd. 2). The investigation shall include no less than:

- a) A check of criminal histories, records and warrants regarding the applicant through the Minnesota Crime Information System, the nation criminal record repository and the National Instant Criminal Background Check System.
- b) A reasonable effort to check other available state and local record-keeping systems.
- c) A check of any commitment history through the Minnesota Department of Human Services of the applicant.

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## **222.4            GROUND S FOR DISQUALIFICATION**

The Sheriff shall only deny a permit to an applicant when the applicant is prohibited by Minn. Stat. § 624.713 from possessing a pistol or semiautomatic military-style assault weapon. (Minn. Stat. § 624.7131 Subd. 4).

## **222.5            GRANTING OR DENIAL OF PERMIT**

The Sheriff shall issue a transferee permit or deny the application within seven days of application for the permit. The Sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial. The permit and their renewal shall be granted free of charge (Minn. Stat. § 624.7131 Subd. 5).

A permit holder whose permit was denied may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624. 7131 Subd. 8).

## **222.6            VOIDING PERMIT**

The permit becomes void at the time that the holder becomes prohibited from possessing a pistol under Minn. Stat. § 624.713, in which event the holder is required to return the permit within five days to the Office (Minn. Stat. § 624.7131 Subd. 2).





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| Document Number: | <b>224</b>               |
| Document Name:   | <b>Severe Weather</b>    |
| Effective Date:  | <i>December 12, 2016</i> |
| Document Status: | <i>Approved</i>          |

## 224.1 POLICY

It shall be the policy of the Office that all employees use the following procedures to close nonessential operations when a Severe Weather Emergency is declared.

## 224.2 NOTIFICATION OF WEATHER EMERGENCY

Severe weather decisions affecting Office employees will be made by Sheriff's Administration. The Sheriff's 911 Dispatch Division will then be notified of this decision and they, in turn, will contact division/unit commanders with this information. If inclement weather occurs during the night or after normal business hours, the Sheriff's 911 Dispatch Division will contact Sheriff's Administration with this information and an appropriate decision will be made at that time. If a weather emergency is declared, the Sheriff's 911 Dispatch Division will notify all division/unit commanders. Office essential operating divisions shall continue to operate during a severe weather emergency. These include, but are not limited to:

- Adult Detention Division
- Sheriff's 911 Dispatch Division
- Court Security Division (unless judicial, prosecuting and defense personnel have been dismissed and the court calendar/ hearings have been terminated).
- Forensic Science Laboratory
- Enforcement Services Division

To ensure essential operations and services are continued during severe weather, utilization of both "non-essential" and "essential" employees may be required. Division or unit commanders are responsible for determining which personnel are needed, regardless of classification. Supervisors of "non-essential" divisions or units must ensure all legal mandates are met prior to allowing staff to leave. The option to leave is the employee's choice. Division commanders do not have the authority to order employees to leave work against their will. Employees who choose to leave must use vacation, sick leave, compensatory time or leave without pay for hours lost.



# Hennepin County Sheriff's Office Policy Manual

Document Number: **300**  
Document Name: **Use of Force**  
Effective Date: *May 11, 2022*  
Document Status: *Approved*

## 300.1 PURPOSE AND SCOPE

It is the policy of the Office to provide deputies with guidelines for the use of force and deadly force in accordance with:

[Minn. Stat. § 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;](#)  
[Minn. Stat. § 626.8475 DUTY TO INTERCEDE AND REPORT;](#)  
[Minn. Stat. § 609.06 AUTHORIZED USE OF FORCE;](#)  
[Minn. Stat. § 609.065 JUSTIFIABLE TAKING OF LIFE;](#) and  
[Minn. Stat. § 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.](#)

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized Device:** A device a deputy has received permission from the Office to carry and use in the discharge of their duties and for which the deputy has

- (a) obtained training in the technical, mechanical and physical aspects of the device and;
- (b) developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

**Bodily Harm:** Physical pain or injury.

**Choke Hold:** A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

**Deadly Force:** As defined by MN Minn. Stat. §609.066, "Force which the actor uses with the purpose of causing, or which the actor should reasonably know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm, other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force."

**De-Escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the

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threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

**Excited Delirium:** also known as agitated delirium, is a state of extreme excitation, usually associated with illicit drug use and manifested by behavioral and physical changes that may result in sudden and unexplained death.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

**Great Bodily Harm:** Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

**Involved** – for the purposes of this policy, the term “involved” means participating in or witnessing of a use of force event.

**Other Than Deadly Force:** Force used by a deputy that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

## 300.2 POLICY

It is the policy of this Office to ensure deputies respect the sanctity of human life when making decisions regarding use of force. Deputies have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Deputies shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the deputy.

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

Deputies should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from deputies.

The decision by a deputy to use force or deadly force shall be evaluated from the perspective of a reasonable deputy in the same situation, based on the totality of the circumstances known to or perceived by the deputy at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when deputies may be forced to make quick judgments about using such force.

This policy is reviewed annually, and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all employees engaged in the discharge of official duties.

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### **300.3 USE OF FORCE PROCEDURE**

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

#### **300.3.1 GENERAL PROVISIONS**

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, a deputy shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.
4. All uses of force shall be documented and reviewed pursuant to the Office's policies.

#### **300.3.2 DUTY TO INTERCEDE**

Regardless of tenure or rank, a deputy must intercede when:

- (a) present and observing another deputy using force in violation of section Minn. Stat. § 609.066, Subd. 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
- (b) physically or verbally able to do so.

#### **300.3.3 DUTY TO REPORT**

A deputy who observes another deputy or officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to both

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the Sheriff and to the reporting deputy's supervisor, who shall promptly report the incident up the chain of command.

#### **300.3.4 DE-ESCALATION**

Deputies 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 to reduce the need for force.

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

#### **300.3.5 USE OF OTHER THAN DEADLY FORCE**

When de-escalation techniques are not effective or appropriate, a deputy may consider the use of other than deadly force to control a non-compliant or actively resistant individual. A deputy is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances (Minn. Stat. § 609.06 a:

- (a) In effecting a lawful arrest; or
- (b) In the execution of a legal process; or
- (c) In enforcing an order of the court; or
- (d) In executing any other duty imposed by law; or
- (e) In defense of self or another.

#### **300.3.6 USE OF CERTAIN TYPES OF FORCE**

Except in cases where deadly force is authorized as articulated in Minn. Stat. § 609.066 to protect the deputy or another from death or great bodily harm, deputies are prohibited from using:

- (a) Chokeholds,
- (b) Tying all of a person's limbs together behind a person's back to render the person immobile, or
- (c) Securing a person in any way that results in transporting the person face down in a vehicle.

Less than lethal measures must be considered by the deputy prior to applying these measures.

#### **300.3.7 USE OF DEADLY FORCE**

A deputy is authorized to use deadly force if an objectively reasonable deputy would believe, based on the totality of the circumstances known to the deputy at the time and

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without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply:

1. To protect the deputy or another from death or great bodily harm, provided that the threat:
  - i. can be articulated with specificity;
  - ii. is reasonably likely to occur absent action by the deputy; and
  - iii. must be addressed through the use of deadly force without unreasonable delay; or
2. To effect the arrest or capture, or prevent the escape, of a person whom the deputy knows or has reasonable grounds to believe has committed or attempted to commit a felony and the deputy reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in items (i) to (iii) above, unless immediately apprehended.

A deputy shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable deputy would believe, based on the totality of the circumstances known to the deputy at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the deputy or another under the threat criteria in items (i) to (iii) above.

Where feasible, the deputy shall identify themselves as a law enforcement official and warn of his/her intent to use deadly force.

### **300.3.8 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.

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- (m) The risk and reasonably foreseeable consequences of escape.
  - (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
  - (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
  - (p) Prior contacts with the subject or awareness of any propensity for violence.
  - (q) Any other exigent circumstances.

### **300.3.9 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training and that are objectively reasonable under the circumstances. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the deputy.
- (c) Whether the person has been given sufficient opportunity to comply.
- (d) Whether the pain compliance technique is effective in achieving an appropriate level of control.
- (e) The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.
- (f) If time permits (e.g., passive resistors), other reasonable alternatives.

### **300.4 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. Reports shall be completed by all involved employees unless otherwise directed by a supervisor. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure or law.

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The Office's [Use of Force Report Writing Guidelines can be found here](#).

### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a conducted energy or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

### **300.6 MEDICAL CONSIDERATION**

Medical assistance shall be obtained for any person who exhibits signs of physical distress, has been subject to a TASER® application, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Persons who are under the influence of drugs or who exhibit signs and/or symptoms of excited delirium must be examined by qualified medical personnel as soon as practical and their condition regularly monitored while in custody.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, medical staff assigned to the Emergency Services Unit or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.



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### 300.7 SUPERVISOR RESPONSIBILITY

Unless special circumstances exist an on-duty supervisor should respond to the location of the use of force incident. The supervisor has the following responsibilities:

- (a) If appropriate, implement the Critical Incident Policy.
- (b) Obtain the basic facts from the involved deputies.
- (c) Ensure that any injured parties are examined and treated.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

The Office's ["Use of Force Incident Review Process – On-Duty Supervisor Responsibilities"](#) are found here.

### 300.8 TRAINING

1. All deputies shall receive training, at least annually, on the Office's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to:
  - (a) Provide techniques for the use of and reinforce the importance of de-escalation.
  - (b) simulate actual shooting situations and conditions; and
  - (c) enhance deputies' discretion and judgement in using other than deadly force in accordance with this policy.
3. Before being authorized to carry a firearm, all deputies shall receive training and instruction with regard to the proper use of deadly force and to the Office's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.
4. Before carrying an authorized device, all deputies shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.
5. Deputies will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the deputy requiring the use of a device or object that has not been authorized to counter such a threat.
6. With Office approval, deputies may modify, alter or cause to be altered an authorized device in their possession or control.

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**300.9            RECORD KEEPING REQUIREMENTS**

The Sheriff or designee shall maintain records of the Office's compliance with use of force training requirements.



# Hennepin County Sheriff's Office Policy Manual

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Document Number: **302**  
Document Name: **Use of Force Review Process**  
Effective Date: *July 20, 2023*  
Document Status: *Approved*

## 302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of force by employees of this office.

## 302.2 REVIEW PROCESS

The Office is charged with the important responsibility of objectively evaluating the use of force by its employees. An administrative review will be conducted by Internal Affairs on all use of force incidents that meet the following criteria:

- (a) The use of force appears to have caused bodily harm as defined by Minn. Stat. § 609.02 Subd. 7 physical injury to the subject or the subject complains of bodily harm
- (b) Any application of a physical control technique such as a takedown, pain compliance technique, kick, strike, stun, etc.
- (c) Any application of a leg restraint device, except if the device is utilized to assist in the removal of extra outer garments
- (d) Any use or threatened use of a control device (OC spray, baton, chemical munition, kinetic energy projectile, or TASER)
- (e) Any situation involving a physical K-9 apprehension
- (f) Any threatened use or discharge of a firearm or other deadly force option
- (g) Any use or threatened use of an improvised weapon

The purpose of this review is to help identify any 'lessons learned' that can be implemented to improve training, safety, equipment, operations, and/or performance.

The Sheriff or designee may also request a review of the circumstances surrounding any other use of force incident.

## 302.3 USE OF FORCE REPORTING

As required by Minn. Stat. § 626.5534, the Sheriff or Chief Deputy of the Office must provide information about each incident of law enforcement use of force resulting in serious bodily injury or death, as those terms are defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent of the Bureau of Criminal Apprehension. This report must be filed once a month to the superintendent.

Serious bodily injury means bodily injury which creates a substantial risk of death, unconsciousness, protracted and obvious disfigurement or protracted loss or impairment of the function of bodily member, organ or mental faculty.

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The BCA has created an electronic form for the reporting. The form can be found on the Employee Development SharePoint page. This form should be completed by a supervisor from the unit or division that was involved in the use of force incident. The completed form should be sent to the Employee Development Unit lieutenant and they will report the information monthly to the BCA.



Document Number: **306**  
Document Name: **Handcuffing and Restraints**  
Effective Date: *December 1, 2015*  
Document Status: *Approved*

**306.1 PURPOSE**

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

**306.2 POLICY**

The Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and office training. Restraint devices shall not be used to punish, to display authority or as a show of force.

**306.2.1 DEFINITIONS**

**Restraints:** Includes the use of handcuffs, leg irons, and waist chains.

**306.3 USE OF RESTRAINTS**

Only members who have successfully completed Office-approved training on the use of restraint devices described in this policy are authorized to use these devices. When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

**306.3.1 RESTRAINT OF DETAINEES**

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on

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detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### **306.3.2 RESTRAINT OF PREGNANT PERSONS**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Restraints may be reasonably necessary for the legitimate safety and security needs of the woman, correctional staff, other inmates or the public (Minn. Stat. § 241.88).

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

### **306.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless they are suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

### **306.3.4 USE OF RESTRAINTS IN COURT PROCEEDINGS**

(a) In non-juror proceedings:

1. Absent a medical restriction, the use of restraints on prisoners is mandated in non-juror proceedings to prevent the risk of flight as well as protecting the safety and security of the prisoner, courtroom personnel, deputies, witnesses and members of the public.
2. Deputies will comply with all orders from the Bench to include removing restraints from inmates appearing before them. In such situations the deputy shall abide by the Courts instructions while maintaining the highest degree of security possible under the conditions. The supervisor shall be notified.

(b) In juror proceedings:

1. The inmate's restraints will be removed prior to entering the courtroom. Upon completion of the jury proceeding, restraints will be reapplied outside the courtroom in the security corridor.
2. Deputies will advise the Bench if high security concerns are present (i.e., risk of flight and/or risk of injury to self and others) and make recommendations on restraints when applicable. Upon approval from the Bench, the inmate will be restrained. In the event the restraints are not authorized, the deputy shall abide by the Courts instruction while

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maintaining the highest degree of security possible under the conditions. The supervisor shall be notified.

### **306.3.5 NOTIFICATIONS**

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

### **306.4 HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, shall be used to restrain a person's hands to ensure the safety of the individual, deputy and/or others.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

### **306.5 SPIT HOODS**

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should

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be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be monitored until the spit hood is removed. Spit hoods shall be discarded after each use.

### **306.6           AUXILIARY RESTRAINT DEVICE**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

### **306.7           LEG RESTRAINT DEVICE**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the office shall be used.

In determining whether to use the leg restraint, deputies should consider:

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from their own actions (e.g., hitting their head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

#### **306.7.1           GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position,



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secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.

- (d) The restrained person should be monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on their stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

### **306.8      REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.



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|------------------|------------------------|
| Document Number: | <b>308</b>             |
| Document Name:   | <b>Control Devices</b> |
| Effective Date:  | <i>August 1, 2015</i>  |
| Document Status: | <i>Approved</i>        |

**308.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

**308.2 POLICY**

In order to control subjects who are violent or who demonstrate the intent to be violent, the Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

**308.3 ISSUING, CARRYING AND USING CONTROL DEVICES**

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

**308.4 RESPONSIBILITIES**

**308.4.1 DEVICE INSPECTION AND MAINTENANCE**

The Employee Development Unit will assume the primary responsibility for the routine maintenance, inventory and annual inspection of Office-issued control devices. The Adult Detention Division and Special Operations Unit may also be tasked with the routine maintenance, inventory and annual inspection of certain Office-issued control devices.

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Deputies will ensure that control devices issued to them are maintained in a serviceable condition. The care and maintenance of personally owned control devices will be the responsibility of the deputy.

#### **308.4.2 USER RESPONSIBILITIES**

Deputies will ensure that control devices issued to them are maintained in a serviceable condition.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to Employee Development for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **308.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Uniformed personnel should carry a baton in its authorized holster on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

#### **308.6 CHEMICAL MUNITION GUIDELINES**

Chemical munitions may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Emergency Services Unit Commander may authorize the delivery and use of chemical munitions, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical munitions to control any fires and to assist in providing medical aid or gas evacuation if needed.

#### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control an individual or groups of individuals who are engaging or are about to engage in violent behavior. OC spray should not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

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The use by of OC dispersal devices by trained personnel for subject control shall be based on the circumstances.

### **308.7.1 OC SPRAY**

Uniformed personnel shall carry an OC spray device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

### **308.7.2 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Exposed persons should be examined by appropriate medical personnel.

## **308.8 POST-APPLICATION NOTICE**

Whenever chemical munitions or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

## **308.9 KINETIC ENERGY PROJECTILE AND MARKING ROUNDS GUIDELINES**

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles and marking rounds, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

### **308.9.1 DEPLOYMENT AND USE**

Only office-approved kinetic energy projectiles or marking rounds shall be carried and deployed. Approved projectiles may be used to compel an individual to cease their actions when such projectiles present a reasonable option.

Deputies are not required or compelled to use approved projectiles in lieu of other reasonable tactics if the involved deputy determines that deployment of these projectiles cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

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- (b) The suspect has made credible threats to harm themselves or others.
  - (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
  - (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### **308.9.2 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

### **308.9.3 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the kinetic energy projectiles on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the projectiles. This includes:

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- (a) Individuals who are known to be pregnant.
  - (b) Elderly individuals or obvious juveniles.
  - (c) Individuals with obviously low body mass.
  - (d) Individuals who are handcuffed or otherwise restrained.
  - (e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Kinetic energy projectiles shall not be used to psychologically torment, elicit statements or to punish any individual.

#### **308.9.4 SAFETY PROCEDURES**

Absent compelling circumstances, deputies who must transition from chemical munitions to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### **308.10 NOISE FLASH DIVERSIONARY DEVICE (NFDD)**

The use of NFDDs to control potentially dangerous subjects shall be based on the circumstances. NFDDs should not be deployed without prior authorization from the Incident Commander or Tactical Commander. Under normal circumstances, the Incident Commander or Tactical Commander may authorize the use of NFDDs after evaluating all conditions known at the time and determining that such force reasonably appears necessary to control a subject.

#### **308.11 TRAINING FOR CONTROL DEVICES**

Deputies may only use authorized control devices for which they have received Office-approved training. Annual proficiency training for each device must be conducted under the oversight and direction of the Employee Development Unit, Adult Detention Division or Special Operations Unit. Failure to display the required level of proficiency may result in the need for remedial training or disciplinary action.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.

#### **308.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.



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|------------------|--------------------------------|
| Document Number: | <b>309</b>                     |
| Document Name:   | <b>Conducted Energy Device</b> |
| Effective Date:  | <i>February 9, 2016</i>        |
| Document Status: | <i>Approved</i>                |

### **309.1 PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of the TASER®.

### **309.2 POLICY**

The TASER® is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

### **309.3 ISSUANCE AND CARRYING OF THE TASER®**

Only members who have successfully completed office-approved training may be issued and allowed to carry the TASER®.

The TASER® is issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office's inventory.

Deputies shall only use the TASER® and cartridges that have been issued by the Office. Uniformed deputies who have been issued the TASER® shall wear the device in an approved holster on their person.

Plainclothes and non-field personnel may carry the TASER® as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

Deputies shall store their assigned TASER® with the cartridges removed in a secure, climate controlled location (e.g., locker, weapons vault), when it is not under their physical control. Members carrying the TASER® should perform a spark test on the unit prior to every shift. When carried while in uniform, deputies shall carry the TASER® in a weak-side holster on the side opposite the duty weapon.

- (a) The TASER® shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the TASER®.

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- (c) Deputies shall be responsible for ensuring that their issued TASER® is properly maintained and in good working order.
  - (d) Deputies should not hold both a firearm and the TASER® at the same time.
  - (e) Deputies are responsible for the safe handling and security of their assigned TASER®.

#### **309.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the TASER® should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the TASER® may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER®. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the TASER® in the related report.

#### **309.5 USE OF THE TASER®**

The TASER® has limitations and restrictions requiring consideration before its use. The TASER® should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER® is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

##### **309.5.1 APPLICATION OF THE TASER®**

The TASER® may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.



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Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the TASER® to apprehend an individual.

### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER® on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER® in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

The TASER® shall not be used to psychologically torment, elicit statements or to punish any individual.

### **309.5.3 TARGETING CONSIDERATIONS**

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the TASER® probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

### **309.5.4 MULTIPLE APPLICATIONS OF THE TASER®**

Deputies should apply the TASER® for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER® against a single individual are generally not recommended and should be avoided unless

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the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER® appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the TASER®, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Deputies should generally not intentionally apply more than one TASER® at a time against a single subject.

### **309.5.5 DANGEROUS ANIMALS**

The TASER® may be discharged against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### **309.5.6 OFF-DUTY CONSIDERATIONS**

Deputies are not authorized to carry the office TASER® while off-duty.

Deputies shall ensure the TASER® is secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

## **309.6 NOTIFICATION, ACTION AND DOCUMENTATION FOLLOWING DISCHARGE**

Deputies shall notify a supervisor of all TASER® discharges to include unintentional discharges, pointing the device at a person, laser activation and arching the device.

Following a discharge, Forensic Science Laboratory shall be contacted to collect confetti tags, the expended cartridge and both probes and wire. All should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. In the event the Forensic Science Laboratory is not available, the supervisor shall assume the above responsibilities. In the event the supervisor is not available, the deputy shall assume the above responsibilities.

Deputies shall document all TASER® discharges in the appropriate related report.

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### 309.6.1

### REPORT CONSIDERATIONS

Items that shall be included in the incident report are:

- (a) TASER model, cartridge type and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Identification of all personnel firing the TASER®
- (d) Identification of all witnesses
- (e) Observations of the subject's physical and physiological actions
- (f) Any known or suspected drug use, intoxication or other medical problems
- (g) Whether any display, laser or arc deterred a subject and gained compliance.
- (h) The number of TASER® activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (i) The range at which the TASER® was used.
- (j) The type of mode used (probe or drive-stun).
- (k) Location of any probe impact.
- (l) Location of contact in drive-stun mode.
- (m) Description of where missed probes went.
- (n) Whether medical care was provided to the subject.
- (o) Whether the subject sustained any known injuries.
- (p) Whether any deputies sustained any injuries.

The Employee Development Unit supervisor shall semi-annually analyze TASER® reports to identify trends, including deterrence and effectiveness. A report shall be submitted to the Chief Deputy for review.

### 309.7

### MEDICAL TREATMENT

Deputies may remove TASER® probes from a person's body, unless further assistance is needed from medical personnel (e.g. probe in face, groin, and female breast). Used TASER® probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER® probes or who have been subjected to the electric discharge of the device shall be medically assessed, as soon as practicable, by paramedics or other qualified medical personnel.

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The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER®.

### **309.8 SUPERVISOR RESPONSIBILITY**

Supervisors should respond to calls when they reasonably believe there is a likelihood the TASER® may be used or discharged.

A supervisor should review each incident and forward copies of the appropriate report(s) to the Employee Development Unit. The device's onboard memory should be downloaded through the data port by a supervisor or Employee Development Unit supervisor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **309.9 TRAINING**

Personnel who are authorized to carry the TASER® shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the TASER® as a part of their assignment for a period of six months or more shall be recertified by the office-approved TASER® instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued the TASER® should occur every year. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Employee Development Unit supervisor. All training and proficiency for the TASER® will be documented in the deputy's training file.

Deputies who do not carry the TASER® should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Employee Development Unit is responsible for ensuring that all members who carry the TASER® have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of the TASER® during training could result in injury to personnel and should not be mandatory for certification.

The Employee Development Unit should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

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- (e) Handcuffing a subject during the application of the TASER and transitioning to other force options.
  - (f) De-escalation techniques.
  - (g) Restraint techniques that do not impair respiration following the application of the TASER®.

An annual audit shall be conducted by the Employee Development Unit to verify that personnel receive initial and annual TASER® training as required by policy.



Document Number: **310**  
Document Name: **Critical Incident**  
Effective Date: *October 23, 2017*  
Document Status: *Approved*

**310.1 PURPOSE AND SCOPE**

The Office shall ensure that an investigation is conducted of all incidents that are of a critical nature where the involved employee acted within the course and scope of employment and which include, but are not limited to:

- (a) The use of deadly force by or against a deputy.
- (b) Any incident that has caused or is likely to have caused great bodily harm or death to any person to include Office employees.
- (c) Any incident deemed critical by the Sheriff or designee.

The purpose of this policy is to provide guidelines and procedures that shall be uniformly applied throughout all bureaus of the Office following critical incidents to ensure that a thorough and objective investigation is conducted. It is also the purpose of this policy to provide guidelines and procedures to ensure that appropriate action is taken after critical incidents to safeguard the well-being of all involved personnel.

**310.2 DEFINITIONS**

**Detective** - The investigator(s) from the agency which is conducting the investigation of the critical incident.

**Equipment** - This term includes but is not limited to: firearm, TASER, magazine, ammunition, baton, flashlight, uniform, boots, etc.

**Escort** - A deputy assigned by the First Responding Supervisor to stay with Involved Employee(s) and/or Witness Employee(s) until the Escort is relieved. Escorts shall be of the rank of sergeant or above whenever possible.

**First Responding Assisting Employees** - The first employees who respond to a critical incident.

**First Responding Supervisor** - The first Office supervisor responding to a critical incident, who was not involved in the incident as neither an Involved Person nor Involved Witness.

**Great Bodily Harm** - Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

**Office Incident Commander** - The first POST licensed Office supervisor responding to the critical incident after the First Responding Supervisor.

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**Investigating Entity** - The Office or any other assigned agency that may be conducting the critical incident investigation.

**Investigation Headquarters** - The Office Investigative Unit or other location designated by the Lead Detective at which Involved Employees and Witness Employees gather immediately following a critical incident to meet with legal counsel, Detectives and to surrender Equipment.

**Involved Employee** - Any Employee who appears to have engaged in conduct constituting a critical incident. This also includes an employee who is a victim of a critical incident.

**Lead Detective** - The lead investigator of the critical incident or their designee. The Lead Detective shall be from the Investigating Entity.

**Report** - Any written documentation from any reporting system used by the Office.

**Witness Employee** - An employee who witnesses a critical incident, but did not engage in any conduct constituting a critical incident.

### 310.3 PROCEDURES

Whenever an employee of the Office is involved in a critical incident, they shall immediately notify their supervisor or the on-duty Office supervisor. If the incident occurs outside of the County, the employee shall immediately notify the responsible law enforcement agency with jurisdiction and their supervisor or the on-duty Office supervisor.

(a) Employees involved in critical incidents can be profoundly affected by the incident. Anyone dealing with an employee involved in a critical incident shall follow these guiding principles:

1. Do not leave Involved Employee alone or ignore them.
2. Do not take an Involved Employee's firearm unless a supervisor has reason to believe that the Involved Employee poses a threat to themselves or to others, or unless directed by the Lead Detective.
3. Do not allow employee(s) to talk about the incident to anyone at the scene, except to provide sufficient information to enable the primary responders or detectives to ensure public safety and officer safety.
4. Care should be taken to preserve the integrity of any physical evidence present on the employee's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

(b) Unless there is an identifiable reason for doing so, i.e. destroying obvious evidence such as washing blood off hands, do not deny an employee who requests access to:

1. Food and drink
2. Restroom facilities
3. Telephone to contact family and/or significant person(s)
4. A union or labor representative
5. A representative from the Employee Assistance Program
6. A chaplain or other clergy
7. Legal counsel

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## **310.4 RESPONSIBILITIES**

The following outlines the responsibilities of Office employees during a critical incident:

### **310.4.1 THE SHERIFF OR DESIGNEE**

The Sheriff or designee shall:

- a) Determine whether the Office or an outside agency will become the investigating entity.
- b) Determine whether a criminal investigation is necessary.
- c) Determine whether the Director of Communications shall contact the media and coordinate all media inquiries on the critical incident.

### **310.4.2 DUTIES OF INITIAL EMPLOYEE(S) ARRIVING ON SCENE**

Upon arrival at the scene of a critical incident, the first uninvolved employee(s) will be in-charge and assume the duties of a supervisor until relieved by the responding supervisor, and should:

- a) Secure the scene, remain at the scene, identify and eliminate hazards for all those involved.
- b) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- c) Coordinate a perimeter or pursuit of suspects as appropriate.
- d) Request additional resources, units or agencies as appropriate.
- e) Brief the supervisor upon arrival.
- f) Not speak to other employees about the incident, except to ensure public safety, officer safety and to preserve the scene.

### **310.4.3 DUTIES OF INITIAL ON-SCENE SUPERVISOR**

Upon arrival at the scene of a critical incident, the first uninvolved supervisor should continue and complete the duties as outlined above, plus:

- a) Identify Involved Employee(s) and Witness Employee(s).
- b) Obtain from the Involved Employee(s) only the information needed to ensure public safety, officer safety and to preserve the scene.
- c) Reveal no information given to you by the Involved Employee(s) except what is necessary to protect public safety, officer safety and to preserve the scene.
- d) Keep the Involved Employee(s) and Witness Employee(s) separated from each other when possible.
- e) Set up scene boundaries and keep the scene secure.
- f) Notify the commander of the unit or division whose personnel are involved in the incident.



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- g) Request additional resources and personnel as necessary.
  - h) Contact the Office Forensic Science Laboratory, if necessary.
  - i) Assign a deputy sheriff to accompany any injured persons to the hospital.
  - j) Assign an Escort(s) to accompany the Involved Employee(s) to the hospital for alcohol and drug testing and/or to Investigation Headquarters with instructions not to discuss the incident with each other or other persons.
  - k) Determine whether an Escort will be assigned to the Witness Employee(s).
  - l) Allow Involved Employee(s) and Witness Employee(s) a reasonable opportunity to contact family members and/or other significant persons unless contra-indicated.
  - m) If the Involved Employee(s) or Witness Employee(s) have requested legal representation; they shall be allowed to consult in a private setting.
  - n) First Responding Supervisor shall not take or prepare any detailed statements or reports, written or verbal, from the Involved Employee(s).
  - o) If directed by the Investigating Entity, complete a supplemental report documenting supervisory actions taken including times, specific assignments made, and the identities of all personnel involved in the critical incident.

#### **310.4.4 DUTIES OF THE INCIDENT COMMANDER**

Upon learning of a critical incident, the Incident Commander shall:

- a) Notify the following persons:
  - 1. The commander of the affected unit or division
  - 2. The Sheriff or designee
  - 3. The Investigative Entity
- b) Assume command of the scene upon arrival.
- c) Ensure that the First Responding Supervisor has carried out all duties.
- d) Determine when the Involved Employee(s) and Witness Employee(s) may leave the scene for drug testing and/or transport to Investigation Headquarters (see Alcohol and Drug Use policy 1012.)
- e) Inform the Sheriff or designee of the facts so they can determine if the incident requires a criminal investigation, and if so, who the Investigating Entity will be.
- f) If the Sheriff or designee has determined there will be a criminal investigation, ensure the Investigating Entity has assumed command of the critical incident.
- g) In any critical incident, video and audio data shall not be accessed unless approved by the Sheriff or designee.

#### **310.4.5 DUTIES OF WITNESS EMPLOYEES**

Upon arrival at the scene of a critical incident, the Witness Employee(s) shall:

- a) Not speak to other employees about the critical incident, except to ensure public safety, officer safety and to preserve the scene.

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- b) Provide a brief verbal account of the incident to the on-scene supervisor. The account should include, but is not necessarily limited to, identifying and locating suspects, reporting approximate number and trajectory of rounds fired or exchanged, and any other information deemed pertinent to public or officer safety.
  - c) Prepare an incident report or provide a question and answer statement after being directed to do so by a detective and after consulting with legal counsel, if desired.
  - d) Meet with and answer any questions from a detective.
  - e) Meet with a designated psychologist within 72 hours for critical incident debriefing.

#### **310.4.6 DUTIES OF ESCORT EMPLOYEE**

Upon arrival at the scene of a critical incident, the Escort Employee(s) shall:

- a) Assume control of the Involved Employee or Witness Employee as directed by the on-scene supervisor.
- b) Take the Involved Employee from the scene to the alcohol and drug testing site when directed by the Office Incident Commander.
- c) After test samples are obtained; the Escort Employee shall transport the Involved Employee to the Investigative Division.
- d) Advise the Involved Employee or Witness Employee to remain separate from other Involved Employee(s) and Witness Employee(s).
- e) Remain with the Involved Employee or Witness Employee when they are brought to the Investigative Division and until they are turned over to other supervisory personnel.
- f) Advise the Involved Employee or Witness Employee not to discuss the incident with anyone except an attorney, union representative or detective.
- g) Write a report detailing their actions, including who had access to the Involved Employee or witness employee and specifically documenting whether the Involved Employee or Witness Employee spoke with anyone about the incident while in the Escort Employee's presence. Details in the report shall include involved times, places etc.

#### **310.4.7 DUTIES OF INVOLVED EMPLOYEE(S)**

All involved employees should:

- a) Remain at the scene.
- b) Not speak to other employees about the incident, except to ensure public safety, officer safety and to preserve the scene.
- c) Surrender equipment and any other pertinent item(s) needed, when requested by a detective.
- d) After having an opportunity to consult with legal counsel, the legal counsel will inform the Lead Detective or designee if the Involved Employee(s) is willing to give a voluntary statement. Involved Employee(s) who are able and willing to be

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interviewed shall be interviewed at Investigation Headquarters or such other location and time chosen by the Lead Detective and the Involved Employee(s).

- e) Participate in alcohol and drug testing as soon as practical after the incident (see Alcohol and Drug Use policy 1012.)
- f) Meet with a designated psychologist within 72 hours for critical incident debriefing.

### 310.5 RELIEF FROM DUTY

After a critical incident the Involved Employee(s) shall be relieved from active duty as soon as possible and may be placed on paid administrative leave. The Office will provide the opportunity for the employee(s) to meet with necessary individuals for critical incident debriefing.

No Involved Employee(s) will return to duty status without authorization of the Sheriff or designee.

No Involved Employee(s) shall be rearmed without the authorization of the Sheriff or designee. A loaner handgun will be given to the Involved Employee(s) at the authorization of the Sheriff or designee.

### 310.6 NOTIFICATION

The Sheriff or designee shall notify the Commissioner of Public Safety within 30 days whenever a deputy sheriff discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured or dangerous per Minn. Stat. § 626.553.

Effective January 1, 2013, the following procedure will be implemented regarding Law Enforcement Officers Killed or Assaulted Report (LEOKA) reporting to the MN BCA:

A LEOKA form must be completed for all incidents when:

- (a) A licensed deputy is assaulted in the line of duty (does not require injury to the deputy).
- (b) A licensed deputy is killed in the line of duty by accident or negligence.
- (c) A licensed deputy is killed in the line of duty by felonious act.

The applicable Division/Unit Commander should complete the report as soon as practicable. A copy of the form is located [here](#).

The completed report should be forwarded to the Employee Development Unit within 20 days of the incident. The Employee Development Unit will be responsible for submitting the report electronically to the MN BCA.

The Employee Development Unit is responsible for reviewing all LEOKA incidents. Copies of all reports related to the incident as well as copies of the administrative reviews conducted by the on-duty supervisor and the applicable Division/Unit Commander should be submitted to the Employee Development Unit Commander within 20 working days of the incident.



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| Document Number: | <b>311</b>  |
| Document Name:   | <b>Critical and Traumatic Incident Management</b> |
| Effective Date:  | <i>October 23, 2017</i>                           |
| Document Status: | <i>Approved</i>                                   |

**311.1 PURPOSE AND SCOPE**

It shall be the policy of the Office to recognize that all employees in the performance of their duties may be exposed to incidents of a critical nature. The purpose of this policy is to help employees recognize and minimize through prompt intervention the potential negative effects of stress caused by traumatic events and to provide the scene supervisor with procedures for immediate notification of support personnel.

This policy also recognizes that the spirit of the Office is one of helping people and providing support and assistance. This includes our assistance to the "Office Family" and especially during the time when a member of the Office suffers a serious injury, illness or death.

**311.2 DEFINITIONS**

**Acute Stress Disorder** - Development of clinically significant distress or impairment in social, occupational, or other important areas of functioning, or impairment of an individual's ability to pursue necessary tasks, such as obtaining necessary assistance or mobilizing personal resources to cope with a traumatic incident. The disturbance lasts for a minimum of two days and a maximum of four weeks and occurs within four weeks (one month) of the traumatic incident.

**County Psychologist (fitness for duty)** - A County-contracted psychologist, who provides fitness-for-duty evaluations as a consultant/agent of the County. Doctor/patient confidentiality does not exist. A summary report on an employee's fitness for duty is provided to the Major of Administrative Services.

**Crisis Psychologist** - An Office-contracted psychologist, on call to provide psychological first aid and support to employees. Employees are protected by doctor/patient confidentiality in meeting with the crisis psychologist.

**Critical Incident -**

An incident involving any of the following situations occurring in the line of duty:

- The use of deadly force by or against a deputy;
- Any incident that has caused or is likely to have caused great bodily harm or death to any person to include Office employees;
- Any incident deemed critical by the Sheriff or designee.

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**Critical Incident Stress Debriefing (CISD)** - An educational as well as psychological process designed to lessen the impact of a critical incident. CISD sessions provide employees with the professional assistance necessary to maintain their emotional and physical well-being.

**Post-Traumatic Stress Disorder (PTSD)** - Development of intense fear, helplessness, or horror as the result of a traumatic incident. Symptoms include and are not limited to reoccurring distressing dreams of the event, persistent avoidance of stimuli associated with the traumatic incident, numbing of general responsiveness, and persistent symptoms of increased psychological arousal (e.g. sleep disturbances, anger, hyper vigilance, exaggerated startle response). The disturbance has lasted for more than one month since the traumatic incident.

**Stress** - Any change in the environment that produces physical and/or psychological reactions. These reactions include but are not limited to: increased heart rate, rise in blood pressure, muscular tension, irritability, and heightened or reduced awareness.

**Traumatic Experience** - Witnessing, or being confronted with an incident or multiple incidents that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others. A traumatic experience often creates significant stress (distress).

**Traumatic Incident** - A traumatic incident may be an incident which does not qualify as a critical incident. The employee or a supervisor must be able to articulate reason(s) why assistance is being requested. The following list of examples is not all-inclusive. Some incidents considered traumatic by the scene supervisor or an employee may include:

- (a) High-speed chase with serious injury.
- (b) Multiple-casualty incident.
- (c) Suicide or attempted suicide of an inmate or other person in the presence of an employee.
- (d) Prolonged rescue or recovery operation.
- (e) Suicide of any Office member.
- (f) Shooting situations.
- (g) Violence or injury to, or death of a child.
- (h) Severe duty-related injury of Office member.

### 311.3 NOTIFICATION RESPONSIBILITY

It is a supervisor's responsibility to make appropriate notifications as set forth below:

- a) Critical Incident Procedure:
  - 1. The scene supervisor shall initiate the Critical Incident Procedure. The scene supervisor shall notify Sheriff's 911 Dispatch Division of a critical incident that is in progress. Sheriff's 911 Dispatch Division shall make the appropriate notifications as directed by this policy.
  - 2. Critical incident notifications shall at a minimum include: Sheriff's Administration, Investigative Division, Crisis Psychologist, union representative, and/or chaplain.

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b) Traumatic Incident Procedure:

1. The Traumatic Incident Procedure may be initiated by a supervisor or an affected employee.
2. Traumatic incidents may require notification of Sheriff's Administration, Investigative Division, Crisis Psychologist (with prior administrative approval) and/or chaplain.

### **311.4 CRITICAL INCIDENT PROCEDURES**

The flow chart for a critical incident provides employees with both mandatory and voluntary procedures for critical incidents.

In any critical incident, video and audio data shall not be accessed unless approved by the Sheriff or designee.

Employees directly involved in a critical incident may meet with a Crisis Psychologist and may receive up to three days of administrative leave.

Employees directly involved in a critical incident shall meet with the County Psychologist as directed by the Major of Administrative Services. This meeting shall normally occur within 72 hours of the incident. Exceptions include, but are not limited to when an employee is hospitalized or incapacitated for an extended period of time. In these instances, the employee will be required to meet with the County Psychologist as soon as practicable. In all cases, the employee shall meet with the County Psychologist for a duty readiness assessment prior to returning to duty.

#### **311.4.1 CRITICAL INCIDENT FLOW CHART**

See Attachment: [Critical Incident Procedures](#)

### **311.5 TRAUMATIC INCIDENT PROCESS**

The flow chart for a traumatic incident provides employees with voluntary procedures for traumatic incidents.

Employees may request psychological support immediately or later for a work-related event which the employee interprets as traumatic.

#### **311.5.1 TRAUMATIC INCIDENT FLOW CHART**

See Attachment: [Traumatic Incident Procedures](#)

### **311.6 REVIEW OF A CRITICAL OR TRAUMATIC INCIDENT**

A critical or traumatic incident review panel may be convened at the direction of the Sheriff or designee following a critical or traumatic incident. The direction to convene a panel shall be made in writing by the Sheriff or designee. The decision to convene a panel shall be made within thirty working days from the time Sheriff's Administration is first informed or made aware that such an incident occurred.

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The panel shall generally consist of command staff designated by the Sheriff or designee. In most cases, the Captain of the Investigative Division and the Captain(s) of the involved employee(s) will participate. The Chief Deputy, unless otherwise directed by the Sheriff, will be a member of the committee and preside over the panel.

The primary purpose of the panel is to conduct an evaluation of the incident focusing on the adequacy of established policy, procedure and training. The panel will produce a synopsis report detailing recommended actions, if any. It is in the best interest of both the Office and employees to learn from our experiences.

The panel shall not interfere or impede any active criminal investigation or internal investigation of the matter. In many cases, the panel's review may be delayed until pending criminal investigations are resolved.

### **311.7 DUTY READINESS**

The employee may personally finance the acquisition of a second opinion for duty readiness from a licensed psychologist or physician during the period of time they are away from work provided the process of obtaining a second opinion does not interfere with the process and/or instruction recommended by the County Psychologist.



Document Number: **312**  
Document Name: **Firearms**  
Effective Date: *May 11, 2022*  
Document Status: *Approved*

**312.1 PURPOSE AND SCOPE**

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of a firearm that are addressed elsewhere in this manual.

This policy only applies to those members who are authorized to carry firearms.

**312.1.1 AUTHORIZATION TO CARRY FIREARMS**

Licensed personnel who meet the following standards may carry a firearm in the course of their duties:

- (a) Successful completion of office training regarding the use of force, deadly force and the use of firearms (Minn. Stat. § 626.8452, Subd. 2, Minn. Stat. § 626.8452, Subd. 3; Minn. Stat. § 626.8463).
- (b) Issuance of authorization to carry letter from the Sheriff or designee.

**312.1.2 REVOCATION OR SUSPENSION OF AUTHORIZATION TO CARRY FIREARMS**

The Sheriff or designee may revoke or suspend the authorization to carry under the following circumstances:

- (a) If the employee is named in an Order for Protection or other court order that prohibits possession of a firearm, the employee shall notify the Personnel Unit Commander and surrender all firearms and ammunition to the Office (18 USC § 922(g)).
- (b) If the employee is informally admitted to a treatment facility pursuant to Minn. Stat. § 253B.04 for chemical dependency, unless the deputy sheriff possesses a certificate from the head of the treatment facility discharging or provisionally discharging the deputy sheriff from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6)), the employee shall notify the Personnel Unit Commander and surrender all firearms and ammunition to the Office.
- (c) For any other reason deemed necessary by the Sheriff or designee.



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## 312.2 POLICY

The Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate, in good working order and that relevant training is provided as resources allow.

## 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued and/or approved by the Office and have been thoroughly inspected by the authorized armorer. Firearms carried on-duty must be issued by the Office. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

### 312.3.1 HANDGUNS

The following firearms\* are authorized and approved for use:

| MAKE           | MODEL                | CALIBER |
|----------------|----------------------|---------|
| Smith & Wesson | M&P 40               | .40     |
| Smith & Wesson | M&P 40c              | .40     |
| Smith & Wesson | M&P40 Shield         | .40     |
| Smith & Wesson | M&P9 M2.0            | 9mm     |
| Smith & Wesson | M&P9 M2.0<br>Compact | 9mm     |
| Smith & Wesson | M&P9 Shield<br>M2.0  | 9mm     |
| Smith & Wesson | M&P9 Shield          | 9mm     |

\*Other firearms may be authorized with the approval of the Sheriff or designee. Any firearm carried on-duty must be an Office-issued firearm.

### 312.3.2 PATROL RIFLES

The following rifle\* is approved for on-duty use by those who are authorized to carry:

| MAKE           | MODEL  | CALIBER |
|----------------|--------|---------|
| Smith & Wesson | M&P 15 | .223    |
| DPMS           | A-15   | .223    |

\*Other long guns, less lethal and launchers may be authorized with the approval of the Sheriff or designee. When deployed, shall be filled with a magazine containing 28 rounds.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.

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- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
  - (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
  - (e) When a member reasonably believes that a suspect may be wearing body armor.
  - (f) When authorized or requested by a supervisor.
  - (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded (30 round magazine loaded with 28 rounds) and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position.

### **312.3.3 AUTHORIZED OFF-DUTY FIREARMS**

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the authorized armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Employee Development Unit.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the authorized firearms instructor that they are proficient in handling and firing that style of firearm (semi-automatic or revolver) and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the style of firearm (semi-automatic or revolver) prior to that style being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Employee Development Unit, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, they may do so, as long as all requirements set forth in this policy for each style of firearm (semi-automatic or revolver) are met.
- (h) Members shall only carry office-authorized ammunition
- (i) Members shall carry their badge, Office identification card, a spare magazine and a set of handcuffs.

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### **312.3.4 AMMUNITION**

Members shall carry only office-authorized ammunition. As needed, members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the authorized armorer when needed, in accordance with established policy.

While being carried on- or off-duty, office-issued handguns shall be filled to capacity including one round in the chamber. Any extra handgun magazines shall be loaded to capacity and extra rifle magazines shall be loaded with 28 rounds.

Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

### **312.4 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

#### **312.4.1 REPAIRS OR MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Employee Development Unit.

Firearms that are the property of the Office may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm.

Any modifications (i.e. stickers, intentional etchings, paint markings) or repairs must be authorized in advance by the Employee Development Unit.

#### **312.4.2 HOLSTERS**

Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### **312.4.3 TACTICAL LIGHTS**

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Employee Development Unit. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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**312.4.4****OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Employee Development Unit. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

**312.5****SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the authorized firearms instructor. Members shall not dry fire or practice quick draws in an unsafe manner.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded at designated locations, where clearing barrels are present.
- (e) While out of their physical control, members shall store Office-issued firearms in a secure location (e.g., locker, firearms storage vault).
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or an authorized armorer approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the authorized armorer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.
- (h) No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

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**312.5.1****INSPECTION**

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

**312.5.2****STORAGE AT HOME**

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Minn. Stat. § 609.666; Minn. Stat. § 609.378, Subd. 1).

Members who have take-home vehicles will ensure that their issued firearms are stored unloaded in the designated division/unit storage area at the conclusion of their shift unless their vehicle is parked inside a secure residential style garage. In these circumstances, the patrol rifle may be left inside the vehicle in a secure weapons vault or locking rack.

**312.5.3****ALCOHOL, DRUGS AND MEDICAL CONDITIONS**

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

With prior written approval of the division/unit commander, members who are assigned to special undercover details may carry a firearm while consuming alcoholic beverages, as long as their consumption does not tend adversely to affect their judgment or ability to handle a firearm or does not result in an alcohol concentration of .04 or more.

Members shall notify their division/unit commander in writing as soon as practicable if they are diagnosed with any medical condition that would tend to adversely affect their judgment or ability to handle a firearm.

**312.6****FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry an Office-issued firearm while on-duty are required to successfully complete regular training with their duty firearms. All members will qualify at least annually with their duty firearms (Minn. Stat. § 626.8452 Subd. 3). Members will qualify with off-duty firearms annually. Training and qualifications must be on an approved range course.

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At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

### **312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

Members who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for failing to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

### **312.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit. Based on the nature of the incident, additional reports may be required.

The following procedure applies to the reporting of firearm discharge incidents to the Minnesota Bureau of Criminal Apprehension (BCA):

- (a) A "[Minnesota Firearms Discharge Report](#)" form must be completed for all incidents involving:
  - 1. A firearm discharge in the course of duty or employment.
  - 2. Any accidental firearm discharge.
- (b) The on-duty supervisor should complete the report at the conclusion of the incident. For critical incidents (i.e., officer involved shooting), this form will be completed by the Detective Unit lieutenant.
- (c) The completed report should be forwarded to the Employee Development Unit within 48 hours of the incident. The Employee Development Unit will be responsible for submitting the form electronically to the MN BCA.
- (d) The Employee Development Unit is responsible for reviewing all incidents involving firearm discharges by Office employees that meet the reporting criteria. Copies of reports related to these types of incidents should be submitted to the Employee Development Unit Commander.

The Employee Development Unit Commander or designee shall make proper notification to the Commissioner of Public Safety of any firearm discharge in the course of duty, other than for training purposes or the killing of an animal that is sick, injured or dangerous, within 30 days of the incident (Minn. Stat. § 626.553 Subd. 2).

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### **312.7.1           DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

### **312.7.2           INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

### **312.7.3           WARNING AND OTHER SHOTS**

Members are prohibited from discharging firearms for the purpose of providing a warning or summoning aid.

### **312.7.4           SCREENING TESTS**

Based on the circumstances, the Office may request a member to submit to an intoxicant screening test any time an on-duty employee discharges their firearm, whether intentionally or unintentionally, except for discharges which occur during practice or training. Screening shall be consistent with the drug and alcohol testing guidelines in the Hennepin County Alcohol and Drug Use Policy adopted under the authority of Minn. Stat. § 181.950 to Minn. Stat. § 181.957.

## **312.8           EMPLOYEE DEVELOPMENT UNIT DUTIES**

The Employee Development Unit's authorized armorers have the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The authorized armorer has the authority to deem any office-issued or privately owned firearm unfit for service. The member will be responsible for all repairs to their personally owned firearm; it will not be returned to service until inspected and approved by the authorized armorer.

The armorer has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

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The armorer shall complete and submit to the Employee Development Unit commander documentation of the courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. The Employee Development Unit should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the unit commander.

### **312.9 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Office identification card bearing the deputy's name, a full-face photograph, identification number, the 's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail their itinerary and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of their assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on their person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.



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- (i) Deputies should resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
  - (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **312.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926BC):

- (a) The deputy shall carry their Office identification card whenever carrying such weapon.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active licensed officers from other states are subject to all requirements set forth in 18 USC § 926B.



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**314.1 PURPOSE AND SCOPE**

The primary purpose of this policy is to provide deputy sheriffs with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies (Minn. Stat. § 626.8458 Subd. 1).

**314.1.1 PHILOSOPHY**

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Office policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable, and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit (Minn. Stat. § 626.8458 Subd. 1).

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. A deputy's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement pursuit (Minn. Stat. § 626.8458 Subd. 2 (2)).

**314.2 DEFINITIONS**

**Authorized Emergency Vehicle** – Shall be construed to mean any marked or unmarked Sheriff's Office vehicle that is equipped with emergency lights and siren (Minn. Stat. § 169.011 Subd. 3).

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**Blocking or vehicle intercept** – A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

**Boxing-in** – A tactic designed to stop a vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Deadly Force** - Force that is intended or known by the deputy to cause, or in the manner of its use or intended use is known to be capable of causing, death or serious bodily injury.

**Precision Immobilization Technique (PIT)** – A trained maneuver intended to terminate the pursuit by causing the violator’s vehicle to spin out and come to a stop.

**Ramming** – The deliberate act of impacting a violator’s vehicle with another vehicle to functionally damage or otherwise force the violator’s vehicle to stop.

**Roadblocks** – A tactic designed to stop a violator’s vehicle by intentionally placing a vehicle or other immovable object in the path of the violator’s vehicle.

**Spikes or tack strips** – A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

**Vehicle Pursuit** – A multi-stage process by which a peace officer initiates a vehicular stop and a driver resists the signal or order to stop, increases speed, takes evasive action and/or otherwise refuses to stop the vehicle. Once the driver refuses to obey the deputy’s signal or order, this pursuit policy and procedure will determine the officer’s and agency’s actions.

### 314.3 DEPUTY SHERIFF’S RESPONSIBILITIES

It is the policy of this office that a vehicle pursuit shall be conducted only with an authorized emergency vehicle which has activated both its siren and at least one flashing red warning lamp visible from the front (Minn. Stat. § 169.03 Subd. 2 and Minn. Stat. § 169.68 Subd. D).

The following policy is established to provide deputy sheriffs with guidelines for driving with due regard and caution for the safety of all persons using the roadways (Minn. Stat. § 169.17.)

#### 314.3.1 WHEN TO INITIATE A PURSUIT

Deputy sheriffs are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer.

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit (Minn. Stat. § 626.8458 Subd. 2(a)(2)):

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- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
  - (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
  - (c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
  - (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
  - (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
  - (f) Pursuing deputy sheriff's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputy sheriff under the conditions of the pursuit.
  - (g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspects escape.
  - (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
    - (i) Vehicle speeds.
    - (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
    - (k) Age of the suspect and occupants.
    - (l) Availability of other resources, such as aircraft assistance.
  - (m) The deputy sheriff's vehicle is carrying passengers other than an on-duty deputy sheriff. Vehicles containing prisoners shall not be used in a pursuit. Vehicles containing a ride-along passenger shall discontinue pursuit when other marked vehicles arrive to continue the pursuit.

### **314.3.2                      WHEN TO TERMINATE A PURSUIT**

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy sheriff or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspects escape.

Operating an emergency vehicle in a pursuit with emergency light(s) and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons, and does not protect the driver from the consequences of their reckless disregard for the safety of others (Minn. Stat. § 169.17).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputy

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sheriffs and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle. When a pursuit is terminated, the deputy staff involved shall turn off lights and sirens, discontinue following the pursued vehicle, and turn off the pursuit route as soon as it is practical to do so.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit (Minn. Stat. § 626.8458 Subd. 2(a)(2)):

- (a) Distance between the pursuing deputy sheriffs and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Deputy sheriff's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) Deputy sheriff's pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.
- (e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.
- (f) Hazards to uninvolved bystanders or motorists.
- (g) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies shall discontinue the pursuit and apprehend the offender at a later time.
- (h) When directed to terminate the pursuit by a supervisor.

### **314.3.3                    SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy sheriff and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, deputies and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the deputy sheriff.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

### **314.4                    PURSUIT VEHICLES**

Only two Office vehicles may be involved in a pursuit. In addition, a supervisor and K9 handler may join the pursuit at a safe distance.

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The deputy sheriff's shift supervisor, or in their absence an ESD supervisor, may authorize or assign additional vehicles to join a pursuit, after assessing the factors outlined above, if it appears that the number of deputies involved would be insufficient to safely arrest the suspect(s). The supervisor must articulate the reason(s) for additional vehicles in their report. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy sheriff who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

#### **314.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Vehicles not equipped with a red light and siren are prohibited from initiating or joining in any pursuit. Deputy sheriffs in such vehicles may provide support to pursuing vehicles as long as their vehicle is operated in compliance with all traffic laws.

#### **314.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES**

The initial pursuing deputy sheriff will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy sheriff initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons (Minn. Stat. § 626.8458 Subd. 2 (4)).

The primary pursuit vehicle shall activate its red lights and siren, and notify the Sheriff's 911 Dispatch Division, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable and if circumstances allow, provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel of the fleeing vehicle and deputy sheriff's vehicle.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of occupants.
- (f) The identity or description of the known occupants.
- (g) Weather, road and traffic conditions.
- (h) Identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- (j) Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458 Subd. 2 (6)).

Unless relieved by a supervisor or secondary pursuit vehicle, the deputy sheriff in the

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primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuit vehicle should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary pursuit vehicle or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

### **314.4.3 SECONDARY PURSUIT VEHICLE(S) RESPONSIBILITIES**

After activation of red lights and siren, the second deputy in the pursuit is responsible for the following:

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining at a safe distance behind the primary vehicle and close enough to assist if needed.
- (c) Assuming the role of the primary vehicle if it is unable to continue in the pursuit.
- (d) Serving as backup to the primary vehicle once the subject has been stopped.
- (e) Providing immediate medical assistance to anyone injured as a result of the vehicle pursuit.
- (f) Taking over the responsibilities of broadcasting the progress of the pursuit from the primary pursuit vehicle.

### **314.4.4 PURSUIT DRIVING TACTICS**

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit (Minn. Stat. § 626.8458 Subd. 2(a)(3)):

Deputy sheriffs, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

- (a) Deputy sheriffs may proceed cautiously past a red stop sign or signal, but only after slowing down as may be necessary for safe operation.
- (b) As a general rule, deputy sheriffs should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Request assistance from an available air unit.
  - 2. Maintain visual contact with the pursued vehicle by driving on the correct side of the roadway.
  - 3. Request other units to observe exits available to the suspect(s).
- (c) Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their agencies jurisdiction.
- (d) Deputy sheriffs involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the

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primary pursuit vehicle, and a clear understanding of the maneuver process exists between the involved deputies.

#### **314.4.5 TACTICS/PROCEDURES FOR VEHICLES NOT INVOLVED IN THE PURSUIT**

There should be no paralleling of the pursuit route. Paralleling means the operation of a vehicle, other than those involved in the pursuit, on streets or highways parallel to the pursuit route.

Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other vehicles are assigned to the pursuit.

#### **314.4.6 AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary pursuit vehicles should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)).

### **314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES**

It is the policy of this office that available supervisory and management control will be exercised over all motor vehicle pursuits involving deputy sheriffs from this office (Minn. Stat. § 626.8458 Subd. 2(a)(4)). Upon becoming aware that a pursuit has been initiated, the supervisor of the deputy sheriff initiating a pursuit or the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The supervisor of the deputy sheriff initiating a pursuit or the Watch Commander has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command (Minn. Stat. § 626.8458 Subd. 2(a)(8)).

The supervisor of the deputy sheriff initiating a pursuit, or if unavailable, an ESD supervisor or the Watch Commander will be responsible for the following:



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- (a) Upon becoming aware of a pursuit, immediately notify involved deputies and the Sheriff's 911 Dispatch Division of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Office guidelines.
  - (b) Exercise management and control of the pursuit even if not engaged in it.
  - (c) Ensure that no more than the number of required law enforcement vehicles needed are involved in the pursuit under the guidelines set forth in this policy.
  - (d) Direct that the pursuit be terminated if, in their judgment, it is not justified to continue the pursuit under the guidelines of this policy.
  - (e) Ensure that aircraft assistance is requested if available.
  - (f) Ensure that the proper radio channel is being used.
  - (g) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
  - (h) Control and manage vehicles from this office when a pursuit enters another jurisdiction.
  - (i) Prepare a post-pursuit critique and analysis of the pursuit for training purposes.

## **314.6 COMMUNICATIONS**

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or Sheriff's 911 Dispatch Division dispatcher. If the pursuit leaves the jurisdiction of this office or such is imminent, the Sheriff's 911 Dispatch Division will coordinate the cross-patching of radio communications with other agencies in an effort to possibly prevent the deputy sheriff from having to change their radio channel.

### **314.6.1 911 DISPATCH DIVISION RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, Sheriff's 911 Dispatch Division will be responsible for the following (Minn. Stat. § 626.8458 Subd. 2(a)(4)):

- (a) Coordinate pursuit communications of the involved vehicles and personnel.
- (b) Report the initial information and direction of the vehicle pursuit also repeating significant direction or location changes for the duration of the pursuit.
- (c) Notify and coordinate with other involved or affected agencies as practicable.
- (d) Ensure that the appropriate supervisor is notified of the pursuit.
- (e) Ensure that the Office's Enforcement Services Division (ESD) Commander is notified.
- (f) Assign an incident number and log all pursuit activities.
- (g) Broadcast pursuit updates as well as other pertinent information as necessary.
- (h) Contact Minnesota State Patrol to initiate an air support response, determine availability and relay the information to the primary deputy sheriff and the appropriate supervisor.
- (i) Contact a K-9 unit and determine response time, if available.

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### **314.6.2 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the deputy sheriff in the primary pursuit vehicle should broadcast pertinent information to assist other law enforcement officers in locating the vehicle. The deputy sheriff in the primary pursuit vehicle will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

### **314.7 INTER-JURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the deputy sheriff in the primary pursuit vehicle or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another agency's jurisdiction is expected to be brief, it is generally recommended that the deputy sheriff in the primary pursuit vehicle or the supervisor ensure that notification is provided to each outside agency into which the pursuit is reasonably expected to enter, regardless of whether such agency is expected to assist (Minn. Stat. § 626.8458 Subd. 2(a)(5)).

#### **314.7.1 MULTI-JURISDICTIONAL VEHICLE PURSUIT**

Deputy sheriffs may assist other law enforcement agencies with vehicle pursuits within or entering Hennepin County or outside Hennepin County when assistance is requested. Regardless which agency initiates a pursuit, deputy sheriffs shall observe this office's pursuit policy.

Deputy sheriffs may take the primary pursuit vehicles position in a pursuit initiated by another agency only if:

- (a) The other agency's primary pursuit vehicle is disabled.
- (b) Failure to take the primary pursuit position would immediately endanger the public.

When a deputy sheriff becomes involved in a pursuit initiated by another agency, the deputy sheriff must notify Sheriff's 911 Dispatch Division. They shall notify the appropriate ESD supervisor, the Watch Commander, and the involved deputy's supervisor.

#### **314.7.2 PURSUITS EXTENDING INTO THE COUNTY**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Vehicles from this office should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a vehicle from this office may join the pursuit until sufficient vehicles from the initiating agency join the pursuit.

When a request is made for this office to assist or take over a pursuit from another agency that has entered the County, the appropriate supervisor should consider these additional following factors:

- (a) Ability to maintain the pursuit.

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- (b) Circumstances serious enough to continue the pursuit.
  - (c) Adequate staffing to continue the pursuit.
  - (d) The public's safety within the County.
  - (e) Safety of the pursuing deputies.

As soon as practicable, the appropriate supervisor should review a request for assistance from another agency. The supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by deputy sheriffs of this office will terminate at the County limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputy sheriffs shall provide appropriate assistance to peace officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

## **314.8 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, spike strips, blocking, boxing, PIT, ramming or roadblock procedures.

### **314.8.1 WHEN USE AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor and approved on a case by case basis. In deciding whether to use pursuit intervention tactics, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use any pursuit intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision (Minn. Stat. § 626.8458 Subd. 2).

It is imperative that deputies act within legal bounds using good judgment and accepted practices. Deputies should be aware that certain applications of intervention tactics may be construed to be a use of force, including deadly force and are subject to Office policies guiding such use.

### **314.8.2 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective pursuit intervention tactic and involves all the dangers associated with discharging firearms. Deputy sheriffs should not utilize firearms during an ongoing pursuit unless the conditions

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and circumstances meet the requirements authorizing the use of deadly force.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle. See *also* Policy 300.4 (Shooting at or from Moving Vehicles).

### **314.8.3 INTERVENTION STANDARDS**

Prior to utilizing an intervention tactic, a deputy should consider the totality of the circumstances and associated risk factors before utilizing the intervention tactic (e.g., proximity of potential victims, speed of the suspect vehicle, traffic conditions, suspect's driving conduct, length of pursuit, reason for pursuit, seriousness of crime at issue)..

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who have received training in such tactics and after considering the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. Unmarked and/or civilian vehicles shall not be used to deploy this technique, unless authorized by a supervisor on a case by case basis.

(b) Only those deputies trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle. Unmarked and/or civilian vehicles shall not be used to deploy this technique, unless authorized by a supervisor on a case by case basis.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

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1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
  2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
  3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.
- (e) Spike strips are a device that extend across a roadway and are designed to puncture the tires of a vehicle driving over them. They should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the deputy sheriff shall notify pursuing vehicles and the supervisor of the intent and location. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) A roadblock is a tactic designed to narrow the escape route of the pursued vehicle by intentionally placing a vehicle or other immovable object in the path of the pursued vehicle. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

Deputies may set up roadblocks or assist another agency in setting up a roadblock only if the suspect in the fleeing vehicle has used or attempted to use deadly force or an Office supervisor has approved participation in the roadblock.

When a roadblock is used, the following conditions must be met:

- (a) The roadblock allows suspect vehicle an avenue of escape, i.e., a "closed barrier" shall not be created.
- (b) Vehicles used in stationary roadblocks must be unoccupied and have their emergency lights on.

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- (c) A roadblock should be clearly visible to allow approaching vehicles the opportunity to come to a safe stop.
  - (d) Sheriff's 911 Dispatch Division is notified of the roadblock location.
  - (e) Sheriff's 911 Dispatch Division announces the roadblock location over the air to all vehicles participating in the pursuit.

#### **314.8.4 CAPTURE OF SUSPECTS**

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

Unless relieved by a supervisor, the deputy sheriff in the primary pursuit vehicle should coordinate efforts to apprehend the suspect(s) following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans to contain and capture the suspect.

#### **314.9 REPORTING AND REVIEW REQUIREMENTS**

All appropriate reports shall be completed to comply with appropriate local and state regulations. The division commander of the deputy sheriffs involved in the primary and secondary pursuit vehicles shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. 626.5532):

- (a) The deputy sheriff in the primary pursuit vehicle or supervisor shall complete the appropriate arrest reports and an Initial Complaint Report (ICR).
- (b) After first obtaining available information, the appropriate supervisor shall promptly complete a detailed report, ICR, or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or designee. This memo should minimally contain the following information (Minn. Stat. 626.5532):
  1. Date and time of pursuit.
  2. Length of pursuit in distance and time.
  3. Involved units/division and deputies.
  4. Initial reason and circumstances surrounding the pursuit.
  5. Starting and termination points.
  6. Alleged offense, charges filed or disposition: arrest, citation or other release.
  7. Arrestee information should be provided if applicable.
  8. Injuries and/or property damage.
  9. Medical treatment.
  10. The outcome of the pursuit.
  11. Name of supervisor handling or at the scene.
  12. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

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- (c) After receiving copies of reports, logs and other pertinent information, the Sheriff or designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
  - (d) Annually, the Sheriff or designee should direct a documented review and analysis of Office vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

Effective January 1, 2013, the following procedure will be implemented regarding the reporting of vehicle pursuits to the MN BCA. A "[Minnesota Pursuit Report](#)" form must be completed for:

- (a) All vehicle pursuits initiated by deputies.
- (b) All situations where deputies are assisting in a pursuit initiated by another law enforcement agency.

The on-duty supervisor should complete the report at the conclusion of the incident. The completed report should be forwarded to the Employee Development Unit within 48 hours of the incident. The Employee Development Unit will be responsible for submitting the form electronically to the MN BCA.

Copies of all reports related to a vehicle pursuit as well as copies of the administrative reviews conducted by the on-duty supervisor and the applicable Division/Unit Commander should be submitted to the Employee Development Unit Commander within 20 working days of the incident.

### **314.10 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all licensed non-exempt employees will participate in regular and periodic training on this policy and the importance of vehicle safety and protecting the public at all times. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others. The Employee Development Unit shall ensure the frequency and content of emergency vehicle operations and vehicle pursuit training meets or exceeds that required by law (Minn. Stat. § 626.8458 Subd. 5 and Minn. R. § 6700.2702).

### **314.11 YEARLY CERTIFICATION**

This policy shall be reviewed and certified to the state annually that it complies with requirements of any new or revised model policy adopted by the state (Minn. Stat. § 626.8458 Subd. 3).

### **314.12 VEHICLE ACCIDENT PROCESS**

If a Sheriff's Office employee is involved in accident or collision (including while performing a pursuit intervention technique such as blocking, boxing, PIT, ramming, roadblock procedures, or using spike strips) that employee shall refer to the Hennepin County Sheriff's Office [Instructions for Reporting a Vehicle Accident and fill out the required paperwork.](#)



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Document Number: **316**  
Document Name: **Emergency Vehicle Operation**  
Effective Date: *July 28, 2014*  
Document Status: *Approved*

**316.1 PURPOSE AND SCOPE**

It shall be the policy of the Hennepin County Sheriff that the Office will provide emergency service to all persons in the County while maintaining the safety of response personnel and the public.

**316.2 DEFINITIONS**

**Emergency** - When the immediate response of the Office is required to:

- (a) Protect a person from death or serious injury.
- (b) Provide medical treatment to victims of accidents, injuries or life- threatening situations.
- (c) Assist another law enforcement officer in a potentially dangerous situation.
- (d) Facilitate the timely apprehension of a suspect.
- (e) Provide assistance in other situations as determined by a supervisor.

**Emergency Vehicle** - A County-owned, marked or unmarked vehicle equipped for response to emergencies.

**316.2.1 TRAFFIC REGULATIONS**

All employees of the Office who operate vehicles in an official law enforcement capacity must be knowledgeable of all the laws of the State of Minnesota governing the operation or use of emergency vehicles. Only vehicles with red lights and siren are authorized for emergency response. The use of both red lights and siren is required when responding to an emergency. Deputies not responding with a red light, emergency lights and siren shall observe all traffic laws. Deputies are required to drive with due regard for the safety of all persons.

**316.3 EMERGENCY MEDICAL TRANSPORTATION IN OFFICE VEHICLES**

Deputies shall not transport injured persons in Office vehicles except when the person's injuries are life threatening, or when other means of emergency transportation are not readily available.



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## 316.4 LIGHTING

Deputies shall not operate an Office vehicle without statutorily required lighting in the following circumstances:

- (a) On interstate highways.
- (b) When traveling faster than posted speed limit.
- (c) At speeds greater than reasonable or prudent for the existing weather, road, and traffic conditions.
- (d) While in pursuit of a fleeing vehicle.

Deputies shall comply with state law and POST Board policies regarding the use of headlights, taillights, navigational lighting and/or other required lights. Deputies may operate Office vehicles without such lighting only in the performance of duty in the investigation of crime or suspected crime when the deputy reasonable believes such operation is necessary because use of lights may cause greater risk to deputy safety, and/or significantly jeopardize an investigation. Deputies operating Office vehicles under this lighting exemption shall use caution and exercise due regard for public safety. Deputies shall articulate in a written report the reason(s) for applying the lighting exemption.



Document Number: **318**  
Document Name: **Canines**  
Effective Date: *December 14, 2020*  
Document Status: *Approved*

### **318.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

### **318.2 POLICY**

It is the policy of the Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

### **318.3 ASSIGNMENT**

Canine teams should be assigned to assist and supplement the Public Safety Services Division (PSSD) to function primarily in assist or cover assignments. However, they may be assigned by supervisors to other functions such as routine calls for service based on the current operational needs.

The Office reserves the right to remove any canine or handler from the Unit at any time. The Office may reassign ownership of a retired canine to its handler. A handler requesting ownership must sign a written agreement not to use the canine for any police activities and to assume responsibilities for all debts incurred for its care from the date of ownership transfer.

### **318.4 CANINE UNIT SERGEANT RESPONSIBILITIES**

The Canine Unit Sergeant shall supervise the Canine Program. The Canine Unit Sergeant is directly responsible to the ESD Lieutenant. The Canine Unit Sergeant shall be responsible for, but not limited to, the following:

- a) Review all ICRs to ensure compliance with policy and to identify training issues and other needs of the program.
- b) Maintain liaison with administrative staff and functional supervisors.
- c) Maintain liaison with other agency canine coordinators.
- d) Maintain accurate records to document canine activities.

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- e) Recommend and oversee the procurement of needed equipment and services for the unit.
  - f) Be responsible for scheduling all canine-related activities.
  - g) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

### **318.5 REQUESTS FOR CANINE TEAMS**

Canine teams are encouraged to take a proactive approach to providing canine service to agencies within the County by listening to dispatched calls to position themselves whenever possible to answer calls requiring canine assistance. Requests for a canine team from outside of the ESD not requiring immediate response shall go through the Canine Unit or ESD supervisor.

#### **318.5.1 OUTSIDE COUNTY REQUEST**

An ESD Supervisor and/or the Watch Commander must approve all requests for canine assistance from outside the county subject to the following provisions:

- a) Canine teams shall not be used beyond the boundaries of the County to perform any assignment that is not consistent with this policy.
- b) Upon arrival at the scene, the handler has the ultimate decision as to whether the canine is to be used for a specific assignment.
- c) Canine teams shall not be called out while off-duty or used outside the boundaries of the County unless authorized by the ESD Supervisor.
- d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

#### **318.5.2 PUBLIC DEMONSTRATIONS**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Canine Unit Sergeant prior to making any resource commitment. The Canine Unit Sergeant is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Canine Unit Sergeant.

### **318.6 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist:

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- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy or the handler.
  - (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
  - (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or threatening to commit a serious offense mere flight from a pursuing deputy without any of the above conditions shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from a supervisor. Absent a change in circumstances that present an imminent threat to deputies the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications once the suspect has been located and no longer reasonably appears to present a threat or risk of escape the handler should secure the canine as soon as it becomes reasonably practicable. If the canine has apprehended the suspect with a secure bite, the handler should promptly command the canine to release the suspect.

### **318.6.1 PREPARATION FOR DEPLOYMENT**

Prior to the use of a canine to search for or apprehend any suspect the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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As circumstances permit the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever they deem deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor assisting members should take direction from the handler in order to minimize interference with the canine.

### **318.6.2                      WARNINGS AND ANNOUNCEMENTS**

Unless it would increase the risk of injury or escape a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If reasonably feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler when reasonably practicable should first advise the supervisor of their decision before releasing the canine. In the event of an apprehension the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

### **318.6.3                      REPORTING DEPLOYMENTS, BITES AND INJURIES**

Whenever the canine is deployed, an Incident Report Form (ICR) shall be completed by the handler and turned in to the Canine Unit Supervisor before going off-duty.

Whenever the use of the canine results in a bite or any injury, an ICR shall be completed. Handlers shall provide sufficient details in the report to indicate the nature of the deployment and the circumstances surrounding the apprehension.

If an individual is bitten or injured during a canine apprehension, the handler shall disengage and recall the canine when the suspect is subdued and/or readily complies with the handler's commands. After securing the canine, the handler shall request medical assistance and provide appropriate first aid until medical personnel arrive. If the person is transported to a medical facility for treatment, the handler should attempt to obtain a signed release of medical information from the individual. If the injured party is in custody, a deputy should remain with the suspect until treatment has been rendered.

Crime Scene Investigators should be requested to photograph all canine bites and

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injuries. Photographs shall be retained as evidence in accordance with current Office evidence procedures.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

Canines used by law enforcement agencies are generally exempt from dangerous dog registration, impoundment and reporting requirements (Minn. Stat. § 347.51, Subd. 4).

#### **318.6.4 REPORTING CANINE INJURIES**

In the event that a canine is injured, the injury will be immediately reported to the ESD Supervisor and/or the Watch Commander.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on an ICR.

#### **318.7 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation the following guidelines apply.

- (a) Absent a change in circumstances that present an immediate threat to deputies the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

#### **318.7.1 ARTICLE DETECTION**

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A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

### **318.7.2 NARCOTICS DETECTION**

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

### **318.7.3 BOMB/EXPLOSIVE DETECTION**

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

### **318.8 HANDLER SELECTION**

The qualifications for the assignment of canine handler are maintained by the Personnel Unit.

### **318.9 HANDLER RESPONSIBILITIES**

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The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all office equipment under their control in a clean and serviceable condition.
- (c) Handlers shall permit the Canine Unit Sergeant to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (e) When off-duty the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home the gate shall be secured with a lock. When off-duty the canine may be let out of the kennel while under the direct control of the handler.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the ESD Supervisor.
- (h) When off-duty the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Canine Unit Sergeant.
- (i) Whenever a canine handler is off duty for an extended number of days it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

### **318.9.1 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.



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- (b) When the canine vehicle is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure the unattended vehicle remains inhabitable for the canine.

### **318.10 HANDLER COMPENSATION**

The canine handler shall be available for call-out under conditions specified by the Canine Unit Sergeant.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the memorandum of understanding (29 USC § 207).

### **318.11 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured or there is an indication that the canine is not in good physical condition the injury or condition will be reported to the Canine Unit Sergeant as soon as practicable and appropriately documented. All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

### **318.12 TRAINING**

Before assignment in the field each canine team shall be trained and certified to meet current nationally recognized standards. All Office canine teams must pass an annual certification through the United States Police Canine Association (USPCA), National Police Canine Association (NPCA) or other approved, nationally recognized, certification every year after their initial basic training. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet USPCA, NPCA or other approved, nationally recognized, certification standards established for their particular skills.

The Canine Unit Sergeant shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canines.

All canine training should be conducted while on-duty unless otherwise approved by the Canine Unit Sergeant or Watch Commander.

#### **318.12.1 CONTINUED TRAINING**

Each canine team will be required to certify annually at a sanctioned USPCA, NPCA or other approved, nationally recognized Regional Field Trial. Additional training considerations are as follows:

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- (a) Canine teams should receive training as defined in the current contract with the Office's canine training provider.
  - (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
  - (c) To ensure that all training is consistent no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this office.
  - (d) All canine training should be conducted while on-duty unless otherwise approved by the Canine Unit Sergeant.

### **318.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING**

Any new canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform, until graduation or certification is achieved. Once graduation or certification is achieved, a new canine team may be deployed in the field for a period of one year. After which, the canine team will seek annual USPCA certification. New canine teams are encouraged to participate in a certification trial within the first year as a training experience regardless of the outcome. Failure to certify will not affect their deployment status within the first year.

If a canine team fails an annual certification trial, that canine team shall be directed by the Canine Unit Sergeant to plan and/or seek remedial training to ensure the canine team will meet and pass certification standards. At the earliest convenience, the canine team shall seek recertification. Upon the Division/Unit commander's approval, the canine team may remain deployed in the field while awaiting the second certification attempt.

If a canine team fails a second consecutive certification, the canine team will immediately be removed from the field. The Canine Unit Sergeant shall plan/seek additional remedial training for the canine to ensure certification standards. This training shall be approved by the division/unit commander. The canine team will not be able to be deployed in the field until all certification standards are met and documented. The team will seek certification at the earliest convenience.

If a canine team fails a third consecutive certification, the team will be immediately suspended from deployment in the field. The division/unit commander shall be notified and will meet with the Canine Unit Sergeant to discuss appropriate action to include possible disciplinary action, which may include disbandment of the canine team and/or reassignment.

### **318.12.3 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's and the canine's training file.

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#### **318.12.4 TRAINING AIDS**

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Office may work with outside trainers with the applicable licenses or permits.

#### **318.12.5 CONTROLLED SUBSTANCE TRAINING AIDS**

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with federal laws and if they comply with applicable state requirements (21 USC § 823(f)).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or designee may request narcotics training aids while providing substance abuse training or canine drug detection training from the DEA by filling out the DEA-225 form at [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

#### **318.12.6 CONTROLLED SUBSTANCE PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this office.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
  - (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
  - (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
  - (g) Any unusable controlled substance training samples shall be returned to the Forensic Science Laboratory or to the dispensing agency.
  - (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

### **318.12.7 EXPLOSIVE TRAINING AIDS**

Deputies may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (Minn. Stat. § 609.668, Subd. 3(a)(1)); 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever reasonably feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids when not in use shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

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- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).



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|------------------|-----------------------|
| Document Number: | <b>320</b>            |
| Document Name:   | <b>Domestic Abuse</b> |
| Effective Date:  | <i>August 1, 2015</i> |
| Document Status: | <i>Approved</i>       |

**320.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic abuse through vigorous enforcement and to address domestic abuse as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic abuse.

**320.1.1 DEFINITIONS**

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

**Domestic Abuse** - Domestic abuse includes the following committed against a family or household member by a family or household member: physical harm, bodily injury, or assault; the infliction of fear of imminent physical harm, bodily injury, or assault; or terroristic threats, criminal sexual conduct, or interference with emergency calls (Minn. Stat. 518B.01 Subd. 2(a)).

**Domestic Abuse No Contact Order** - A no contact order can be issued by the court even if the people involved want to have contact and object to the order. Violating this order is a crime.

**Domestic Abuse Program** - A public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

**Domestic Call** - A request for law enforcement assistance concerning an incident or complaint of domestic abuse.

**Family or Household Members** - Spouses, former spouses, parents and children, persons related by blood, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time. It also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of

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whether they have been married or have lived together at any time and persons involved in a significant romantic or sexual relationship.

**Harassment Restraining Order** - A person who is a victim of harassment may seek a restraining order from the district court in the manner provided in this section. The parent, guardian, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor. An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order. Violating this order is a crime.

**Order for Protection** - A court order that protects a victim from domestic abuse. Any family or household member may ask the court for an order for protection. Violating this order is a crime.

**Restraining Order** - An order issued when a petitioner requests a court order preventing another person from having contact with them or when a criminal charge has been filed with the court for the protection of someone. The orders generally prohibit all contact of any kind and may limit the respondent's ability to come within a certain distance of someone's work, home or school. Violating this order is a crime.

**Stalking** - To engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

**Temporary Restraining Order** - A temporary court order written to preserve current conditions as they are until a hearing is held at which both parties are present.

## 320.2 POLICY

The Office's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

## 320.3 OFFICER SAFETY

The investigation of domestic abuse cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

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## 320.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic abuse cases:

- (a) Calls of reported, threatened, imminent or ongoing domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigative Division in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  1. Marital status of suspect and victim.



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2. Whether the suspect lives on the premises with the victim.
  3. Claims by the suspect that the victim provoked or perpetuated the violence.
  4. The potential financial or child custody consequences of arrest.
  5. The physical or emotional state of either party.
  6. Use of drugs or alcohol by either party.
  7. Denial that the abuse occurred where evidence indicates otherwise.
  8. A request by the victim not to arrest the suspect.
  9. Location of the incident (public/private).
  10. Speculation that the complainant may not follow through with the prosecution.
  11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

#### **320.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail (Minn. Stat. § 629.72 Subd.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

#### **320.4.2 IF NO ARREST IS MADE**

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
  1. Voluntary separation of the parties.
  2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

#### **320.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the office's domestic abuse information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

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- (e) Seek medical assistance as soon as practicable for the victim if they have sustained injury or complains of pain.
  - (f) Ask the victim whether they have a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
  - (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
  - (h) Seek or assist the victim in obtaining an emergency order if appropriate.

### **320.6 DISPATCH ASSISTANCE**

All calls of domestic abuse, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### **320.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

### **320.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

## **320.9 LEGAL MANDATES AND RELEVANT LAWS**

Minnesota law provides for the following:

### **320.9.1 STANDARDS FOR ARRESTS**

Deputies investigating a domestic abuse report should consider the following:

- (a) A deputy has the authority to arrest a person without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, exclusive of the day probable cause was established, assaulted, threatened with a dangerous weapon or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not rise to the level of a felony or did not take place in the presence of the peace officer (Minn. Stat. § 629.34; Minn. Stat. § 629.341).
- (b) Deputies should generally not make dual arrests but may make an arrest of a primary aggressor. Where there are allegations that each party assaulted the other, the deputy shall determine whether there is sufficient evidence to conclude that one of the parties was the primary aggressor based on the following criteria and the deputy's judgment (Minn. Stat. § 629.342, Subd. 2):
  - 1. Comparative extent of any injuries inflicted
  - 2. Fear of physical injury because of past or present threats
  - 3. Actions taken in self-defense or to protect oneself
  - 4. History of domestic abuse perpetrated by one party against the other
  - 5. Existence or previous existence of an order for protection
- (c) A deputy shall not issue a citation in lieu of arrest and detention to an individual charged with any of the following offenses (Minn. Stat. § 629.72):
  - 1. Stalking
  - 2. Domestic abuse
  - 3. Violation of an order for protection
  - 4. Violation of a domestic abuse no contact order
- (d) The shift supervisor or Watch Commander will determine whether a person arrested on a charge of stalking any person, domestic abuse, violation of an order for protection, violation of a domestic abuse no contact order or violation of a court-ordered transfer of firearms will be held in custody or be issued a citation in lieu of continued detention and released after booking. The person shall be held

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in custody whenever the supervisor determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):

1. Poses a threat to the alleged victim or another family or household member.
  2. Poses a threat to public safety.
  3. Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings.
- (e) Deputies shall arrest and take into custody, without a warrant, a person whom the peace officer has probable cause to believe has violated a court order issued pursuant to Minn. Stat. § 518B.01 or Minn. Stat. § 629.75. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the deputy can verify the existence of the order. If the person is not released on citation in lieu of continuing detention, the person shall be held in custody for these violations for at least 36 hours unless released by a court (Minn. Stat. § 518B.01; Minn. Stat. § 629.75).
- (f) An arrest for a violation of an order of protection may be made regardless of whether the excluded party was invited back to the residence (Minn. Stat. § 518B.01, Subd. 18).
- (g) A deputy shall arrest and take into custody a person whom the deputy has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748.
- (h) Deputies are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of a no contact or restraining order issued by a court, even if the offense did not rise to the level of a felony (Minn. Stat. § 629.34). While conducting a domestic abuse investigation deputies shall attempt to verify whether there has been a court order issued.
- (i) Deputies should consider whether other offenses have been committed that may not qualify as a domestic abuse including, but not limited to, burglary, felony assault, terroristic threats, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct or assault.

### **320.9.2 REPORTS AND RECORDS**

- (a) Deputies should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):
1. Names, addresses, telephone numbers of all involved persons
  2. Condition of clothing
  3. Description of the scene, including any property damage
  4. Evidence of physical injury, including strangulation
  5. Presence of elderly victims or persons with disabilities

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6. Facts related to any person who may have been a primary aggressor
  7. Excited utterances of the victim and the suspect
  8. Demeanor of the victim and the suspect
  9. Medical records, including the victim's statements to paramedics, nurses and doctors
  10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
  11. A detailed explanation of the reasons for the deputy's decision not to arrest or seek an arrest warrant
  12. Evidence of any prior domestic abuse, related convictions, including dates
  13. Any existing orders for protection, harassment restraining order or no contact orders
  14. Identifying information of a specific court order violated, including county of origin, the file number and the provision allegedly violated
- (b) Domestic abuse reports should be forwarded to the appropriate prosecutor for review and consideration of criminal charges, even when no arrest is made or warrant requested.
- (c) If a child was present at the scene of a domestic abuse incident or was the victim of domestic abuse, the deputy should determine whether the child has been subjected to physical abuse, sexual abuse or neglect, and comply with the mandatory reporting requirements of Minn. Stat. § 626.556.
1. The deputy shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201
  2. Take appropriate action.
- (d) Fees will not be charged for the release of reports related to domestic abuse, as directed in Minn. Stat. § 13.82.

### **320.9.3 SERVICE OF COURT ORDERS**

Deputies, when reasonably safe and in a position to do so, shall serve copies or short forms of court orders as directed in Minn. Stat. § 518B.01.

### **320.9.4 COURT-ORDERED FIREARM SURRENDERS**

Although not required, this office generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

Surrendered firearms should be collected and submitted to the Forensic Science Laboratory in accordance with the Property and Evidence Policy and SO 14.45.



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| Document Number: | <b>322</b>                |
| Document Name:   | <b>Search and Seizure</b> |
| Effective Date:  | <i>September 1, 2021</i>  |
| Document Status: | <i>Approved</i>           |

**322.1 PURPOSE AND SCOPE**

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Office personnel to consider when dealing with search and seizure issues.

**322.2 POLICY**

It is the policy of the Office to respect the fundamental privacy rights of individuals. Employees of this office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

**322.2.1 DEFINITIONS**

**No-Knock Search Warrant** – means a search warrant authorizing peace officers to enter certain premises without first knocking and announcing the deputy's presence or purpose prior to entering the premises. No-knock search warrants may also be referred to as Dynamic Entry Warrants.

**322.2.2 SEARCH PROTOCOL**

- (a) Search warrants may be executed between 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction or removal of the objects of the search or to protect the searches or the public. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.
- (b) Service of these warrants requires completion of a detailed operations plan, a pre-service briefing and supervisory review and authorization prior to the service.

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- (c) Members of this office will conduct person searches with dignity and courtesy.
  - (d) Members of this office will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practicable.
  - (e) Members of this office should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practicable option.
  - (f) When the person to be searched is of the opposite sex of the deputy, a deputy of the like sex should be summoned to the scene to conduct the search when practicable.
  - (g) A search may be undertaken of a member of the opposite sex when it is not practicable to summon a deputy of the like sex. In these instances the deputies will adhere to the following guidelines:
    - 1. A supervisor and/or one other deputy should witness the search, if practicable.
    - 2. The search technique used will be consistent with the instruction given by Office Training Staff.
  - (h) The deputy should explain to the person being searched the reason for the search and how the deputy will conduct the search.

### **322.3 SEARCHES**

#### **322.3.1 RESIDENCE**

Absent a valid search warrant, exigent circumstances, probation or parole authorization or valid consent, every person has a reasonable expectation of privacy inside their residence. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers and solicitors) would reasonably be permitted to go.

#### **322.3.2 PLAIN VIEW**

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the deputy has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location.
- (b) The illegal or evidentiary nature of the item must be immediately apparent, without manipulation of the item.

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- (c) The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe the item will aid in an investigation. Such a nexus should be included in any related reports.

### **322.3.3 EXIGENT CIRCUMSTANCES**

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death, or in need of immediate medical assistance.
- (b) Serious damage to property.
- (c) Imminent escape of a suspect (fresh pursuit).
- (d) The destruction of evidence.
- (e) Public safety.

An exigency created by the deputy's own conduct as an excuse for a warrantless entry is not generally permitted.

### **322.3.4 OPEN FIELDS**

Open fields do not provide the privacy expectation that is unique to the Fourth Amendment's safeguards of "person's, houses, papers and effects." Deputies must be mindful of the requisites of curtilage. The following are factors to be assessed in determining whether the open fields' doctrine applies:

- (a) The proximity of the area to the home.
- (b) Whether the area is included within an enclosure surrounding the home.
- (c) The nature of the uses to which the area is put.
- (d) Steps taken by the resident to protect the area from observation by people passing by. Where there is fencing or other enclosure designed to exclude intruders or contain livestock, Deputies should generally not cross this to make an open field search.

### **322.3.5 ABANDONMENT**

Abandonment occurs when a person discards or denies ownership of property in a public right of way or public spaces. To ensure admissibility of evidence, the following factors should be considered:

- (a) Trash is not considered abandoned until it has been placed at the location from which it will be collected by a waste collector.
- (b) The abandonment must be voluntary and not a result of law enforcement misconduct.

Supervisors need to take into account time and staff allocations needed for



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investigations. It is recommended that two separate trash searches be made on a target location prior to writing a search warrant if the location is a home or business.

### **322.4 CONSENT**

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific and unequivocal).
- Obtained from a person with authority to give the consent.
- Does not exceed the scope of the consent given (i.e., if consent is given to search the first floor of a house, deputies cannot rely on that consent to go further, such as the second floor).

Unless unusual circumstances would prevent the use of the Consent to Search Form approved by the Office, deputies should have the individual read the form, ensure that the individual understands it and provide a copy after the individual has signed it.

If unusual circumstances prevent the use of the Consent to Search Form, deputies should describe such circumstances in related report(s).

While there is no requirement that an individual be told of their right to refuse consent, such a warning and the use of the Consent to Search Form provide strong support for the validity of any consent.

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification to continue the search, any related search should be discontinued at any point that consent is withdrawn. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn, even if the withdrawal is made by a different party who is at the scene and who also has authority over the area being searched. When two (or more) co-occupants are present, if one consents and the other refuses, evidence seized cannot be used against the refusing party.

### **322.5 DOCUMENTATION**

When a deputy affects a lawful arrest based on probable cause or an arrest warrant, they are permitted to conduct a contemporaneous search of the arrestee. Such a search safeguards the arresting deputy and others nearby from harm while ensuring that the arrestee will not discard or destroy evidence.

- (a) The arresting deputy may search the area where the arrestee may reach for a weapon or evidence.

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- (b) The general authority to search incident to a lawful custodial arrest is not qualified or limited by the type of arrest.
  - (c) A search of a vehicle interior may be made only when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search.
  - (d) The deputy may examine the contents of any opened or closed container within the passenger compartment of a vehicle, provided the container is within reaching distance of the arrestee and the arrestee is unsecured at the time of the search.

### **322.6 VEHICLE INVENTORY**

An inventory is a legitimate law enforcement activity that is not a search for evidence but that, incidentally, may result in the discovery of evidence.

- (a) Inventories of vehicle contents should be conducted consistently according to the Vehicle Towing and Release Policy.
- (b) Deputies may search any container or article in the arrestee's possession in accordance with established procedures.

### **322.7 VEHICLE SEARCH BASED ON PROBABLE CAUSE**

A deputy may conduct a warrantless search of a readily movable vehicle (e.g., automobile, motorcycle, snowmobile, ATV, mobile home, boat or airplane) if there is probable cause to believe that evidence or contraband are inside.

A deputy must have probable cause that a seizable item is in the vehicle.

A search of an automobile based on probable cause lawfully extends to all parts of the vehicle in which contraband or evidence could be concealed, including closed containers, compartments and trunks.

The scope of a warrantless search of a lawfully stopped vehicle based on probable cause is no narrower and no broader than the scope of a search under the authority of a warrant.

Installation of a tracking device on a vehicle requires a warrant supported by probable cause.

### **322.8 FRISK (PAT DOWN) FOR WEAPONS**

A frisk is a mere pat-down of the outer clothing or a container to which a detained person may have immediate access. A frisk is a limited patting of the outer surfaces of a person's clothing in an attempt to find weapons. A frisk may be conducted when a person has been lawfully detained and the officer has a reasonable articulable suspicion that the person is armed or possess a weapon. The legal standard is whether a cautious and prudent deputy under the same or similar circumstances would conduct a pat-down.

Normally a deputy cannot put their hands under the suspects outer clothing until the deputy feels something which they reasonably believes is a weapon or is immediately identified without further

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manipulation as contraband (plain feel).

Packages, purses, briefcases and other containers should not be searched but can be separated from the suspect and frisked during the stop. Any deviation must be justified by articulable facts.

The scope of a protective frisk is limited to persons and places where a concealed weapon may be in an area within their control. A deputy should conduct a pat-down prior to placing a non-arrested person in their vehicle.

Reasonable attempts should be made to have a deputy of the same sex pat down a detained person.

### **322.9 ADMINISTRATIVE SUBPOENAS**

Administrative subpoenas are neither searches nor seizures; they are an order to produce a record. The subpoenaed party may obtain judicial review of the reasonableness of the demand prior to compliance.

Administrative subpoenas may be obtained through the county attorney or any deputy or assistant county attorney whom the county attorney authorizes in writing to issue such subpoenas. Administrative subpoenas may be sought for the production of statutorily specified types of records from statutorily specified types of businesses where the records are relevant to an ongoing legitimate law enforcement investigation or in welfare fraud cases if there is probable cause to believe a crime has been committed. Administrative subpoenas are restricted to the records of business entities and do not extend to private individuals or their dwellings. (Minn. Stat. 388.23).

### **322.10 NO-KNOCK SEARCH WARRANT**

No deputy shall seek a no-knock search warrant unless the warrant application includes at a minimum:

1. All documentation and materials the issuing court requires.
2. A sworn affidavit as provided in Minn. Stat. § 626.08.
3. The following additional information:
  - a. Why deputies are seeking the use of a no-knock entry and are unable to detain the suspect or search the residence through the use of a knock and announce warrant.
  - b. What investigative activities have taken place to support issuance of the no-knock search warrant or why no investigative activity is needed or able to be performed.
  - c. Whether the warrant can be effectively executed during daylight hours.

The Sheriff or designee and another supervisor must review and approve each warrant application. The agency must document the approval of both reviewing parties.

A no-knock search warrant shall not be issued when the only crime alleged is possession of a

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controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

The Office shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. The Office 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.
5. Any other information the commissioner requests.



Document Number: **323**  
Document Name: **Temporary Custody of Juveniles**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

### 323.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Office (42 USC § 5633; Minn. Stat. § 260B.176; Minn. Stat. § 260C.176).

This policy does not apply to secure detention facilities, shelter care facilities or the juvenile portion of an adult facility authorized to hold juveniles, but rather applies to the temporary custody of a juvenile before a juvenile is released, delivered to a court or delivered to any of these other facilities (Minn. Stat. § 260B.176 Subd. 3).

#### 323.1.1 DEFINITIONS

Definitions related to this policy include:

**Custodian or Guardian** - A person who is under a legal obligation or who is in fact providing care and support for a minor (Minn. Stat. § 260B.007 Subd. 13; Minn. Stat. § 260C.007 Subd. 13).

**Juvenile non-offender** - An abused, neglected, dependent or alien juvenile who may be legally held for their own safety or welfare. This includes those held as runaways (Minn. Stat. § 260C.175) and truancy violators (Minn. Stat. § 260C.143). This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for their protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

**Juvenile offender** - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes possession of a handgun in violation of Minn. Stat. § 624.713 (28 CFR 31.303). This does not include a juvenile petty offender under Minn. Stat. § 260B.007.

**Non-secure custody** - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a

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stationary or secure object. Personal supervision through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices such as video does not replace direct visual observation.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms or a cell. Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (c) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (d) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (e) A juvenile placed in a cell within the adult temporary holding area whether or not the cell door is locked.

**Sight and sound separation** - Located or arranged to prevent physical, visual or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include underage possession of tobacco or curfew violation. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. Juvenile petty offenders taken into custody should be considered a status offender for purposes of this policy (Minn. Stat. § 260B.007; Minn. Stat. § 260B.143).

## 323.2 POLICY

The Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

## 323.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed

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(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Office unless they have been evaluated by a qualified medical and/or mental health professional.

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

### **323.3.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

The arresting deputy should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves or any unusual behavior that may indicate the juvenile may harm them while in custody.

## **323.4 CUSTODY OF JUVENILES**

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Office without authorization of the arresting deputy's supervisor or the Watch Commander.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of their entry into the Office (42 USC § 5633).

### **323.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible (Minn. Stat. § 260B.175; Minn. Stat. § 260C.143; Minn. Stat. § 260C.176). Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

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Juveniles detained for truancy violations may be (Minn. Stat. § 260C.143; Minn. Stat. § 260A.04 Subd. 3):

- (a) Transported to the juvenile's home and released to a parent or guardian.
- (b) Transported to the juvenile's school of enrollment and delivered to the school superintendent or a teacher.
- (c) Transported to a child truancy center under Minn. Stat. 260A.04 Subd. 3.

### **323.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

### **323.4.3 CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders should be held in non-secure custody while at the Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances. Generally juvenile offenders may be taken into custody under the authority of Minn. Stat. §260B.175 when a court order authorizes the custody, when the juvenile has committed an offense that would warrant the arrest of an adult or it is reasonably believed that the child has violated the terms of probation, parole or other field supervision.

A deputy who takes a juvenile offender of any age or gender into custody or could take the juvenile into custody under Minn. Stat. §260B.175 is authorized to perform a protective pat-down search of the juvenile offender in order to protect the deputy's safety (Minn. Stat. § 260B.175 Subd. 4).

The parent, guardian or custodian of the juvenile shall be notified as soon as possible when a juvenile offender is taken into custody. Juvenile offenders shall be released to the custody of a parent, guardian, custodian or other suitable person unless there is reason to believe that the juvenile would (Minn. Stat. § 260B.176):

- (a) Endanger themselves or others.
- (b) Not return for a court hearing.
- (c) Run away from or otherwise not remain in the care or control of their parent, guardian or custodian.
- (d) Face immediate endangerment to their health or welfare.

If a juvenile offender is not released to a parent, guardian, custodian or other suitable



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person, the deputy taking the juvenile offender into custody shall notify the court as soon as possible of the detention of the juvenile and the reasons for detention (Minn. Stat. § 260B.176).

### **323.5            ADVISEMENTS**

When a juvenile is taken into custody on a warrant the juvenile and their parent, guardian or custodian, if present, shall immediately be informed of the existence of the warrant for immediate custody and, as soon as practicable, of the reasons why the juvenile is being taken into custody (Minnesota Rules of Juvenile Delinquency Procedure 4.03, Subd. 10).

If it is determined that a juvenile taken into custody is going to be placed into a secure detention facility or a shelter care facility, the deputy shall advise both the juvenile and the juvenile's parent, guardian or custodian as soon as possible (Minn. Stat. § 260B.176 Subd. 3; Minn. Stat. § 260C.176 Subd. 3):

- (a) Of the reasons for custody and the reasons for placement.
- (b) Of the location of the facility unless there is reason to believe that disclosure would place the juvenile's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176 Subd. 5).
- (c) That the juvenile's parent, guardian or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.
- (d) That the juvenile may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.
- (e) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 for longer than 36 hours excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260B.178.
- (f) That the juvenile may not be detained under Minn. Stat. § 260C.175 Subd. 1, clause (1) or (2), item (ii) longer than 72 hours at a shelter care facility excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260C.178.
- (g) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 for longer than 24 hours in an adult jail or municipal lockup excluding weekends and holidays or longer than six hours if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the juvenile for adult prosecution.
- (h) Of the date, time and place of the detention hearing, if this information is available.
- (i) That the juvenile and the juvenile's parent, guardian or custodian have the right to be present and to be represented by counsel at the detention hearing and that if they

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cannot afford counsel it will be appointed at public expense.

### **323.6 JUVENILE CUSTODY DOCUMENTATION**

Any time a juvenile is held in custody at the Office the custody shall be promptly and properly documented, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Office.
- (c) Shift supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The on-duty shift supervisor shall approve the custody including any secure custody and shall also initial the log when the juvenile is released.

### **323.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile or status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking) a member of the Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

### **323.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Office shall ensure the following:

- (a) The Shift supervisor should be notified if it is anticipated that a juvenile may need to remain at the Office more than four hours. This will enable the Shift supervisor to ensure

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no juvenile is held at the Office more than six hours.

- (b) A staff member of the same sex shall supervise personal hygiene activities and care such as changing clothing or using the restroom without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices such as peep holes or mirrors of which the juvenile is not aware. Therefore an employee should inform a juvenile under their care that the juvenile will be monitored at all times unless they are using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

### **323.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Office when the juvenile presents a heightened risk. However non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

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Restraints shall only be used after less restrictive measures have failed and with the approval of the Shift supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

### **323.10 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Office.

### **323.11 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody. Shift supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others.

Members of this office should not use secure custody for convenience when non-secure custody is or later becomes a reasonable option.

#### **323.11.1 LOCKED ENCLOSURES**

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to office members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by a staff member no less than every 15 minutes shall occur.
  1. All checks shall be logged.

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2. The check should involve questioning the juvenile as to their well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

### **323.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

The Employee Development Unit will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Office. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff and Investigation Division Supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the County attorney.
- (e) Evidence preservation.

### **323.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.

#### **323.13.1 SCHOOL NOTIFICATION**

Minnesota law requires that the Sheriff or the authorized designee notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within our jurisdiction if (Minn. Stat. § 260B.171 Subd. 5):

- (a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, that the victim is a student or staff member and the notice is reasonably necessary for the protection of the victim.
- (b) For certain serious crimes regardless of whether the victim is a student or staff member.

However the Office is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.

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### **323.14      RESTRICTION ON PHOTOGRAPHING**

Photographing of juveniles not including a photograph taken related to a violation of Minn. Stat. § 169A.20 (driving while impaired) or a photograph taken of child taken into custody pursuant to 260B.175 (laws of arrest), will only occur with the consent of the juvenile court (Minn. Stat. § 260B.171 Subd. 5).



Document Number: **326**  
Document Name: **Abuse of Vulnerable Adults**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**326.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure employees of this office comply with laws designed to prevent and detect harm to adults who may need heightened protection due to their age or physical or mental infirmities (Minn. Stat. § 626.557).

**326.1.1 DEFINITIONS**

Definitions related to this policy include (Minn. Stat. § 626.5572):

**Abuse** - Includes, but is not limited to, any act against a vulnerable person, including assault, the use of drugs to injure or facilitate crime, prostitution, criminal sexual conduct, conduct that produces or reasonably could produce physical pain, injury or emotional distress, and forcing or compelling a vulnerable adult to perform any services against their will for the advantage of another. Abuse need not constitute a crime. Serious and egregious conduct including verbal abuse that could reasonably be expected to cause emotional distress can be considered abuse.

**Care or services** - Care or services provided for the health, safety, welfare or maintenance of a vulnerable adult.

**Caregiver** - An individual or facility responsible for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract or by agreement.

**Financial exploitation** - May include, but is not limited to, misuse of funds, breach of a fiduciary duty or withholding a vulnerable adult's funds or property. The acts or omissions need not constitute a crime to qualify as financial exploitation.

**Neglect** - The failure or omission by a caregiver, that is not the result of an accident or therapeutic conduct, to supply a vulnerable adult with care or services including, but not limited to, food, clothing, shelter, health care or supervision that is necessary to obtain or maintain the vulnerable adult's health, safety or comfort, considering the physical and mental capacity or dysfunction of the vulnerable adult.

**Vulnerable Adult** – A person 18 years of age or older who:  
(a) Is a resident or patient of a facility.

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- (b) Receives services at or from a specific and licensed facility that is required to be licensed to serve adults under sections 245A.01 to 245.15.
  - (c) Receives services from a licensed home care provider or a particular medical assistance program.
  - (d) Who possesses a physical or mental infirmity or other physical, mental or emotional dysfunction.
    - 1. That impairs the individual's ability to provide adequately for their own care without assistance, including the provision of food, shelter, clothing, health care or supervision.
    - 2. Because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect themselves from abuse, neglect or financial exploitation.

## **326.2 POLICY**

The Office will meet Minnesota mandates related to adults who may need heightened protection due to their age or infirmities. Employees of the Office will treat these persons with a high level of compassion and care.

## **326.3 MANDATORY REPORTING REQUIREMENTS**

Deputy Sheriffs are mandated reporters (Minn. Stat. § 626.5572 Subd. 16). If, during the course of an investigation, a deputy sheriff has reason to believe that a vulnerable adult has been abused, neglected, isolated or exploited, or who has knowledge that a vulnerable adult has sustained a physical injury that is not reasonably explained, the deputy sheriff shall take a report, investigate and immediately make a telephone report to the county agency designated to receive such reports (Minn. Stat. § 626.557 Subd. 3; Minn. Stat. § 626.557 Subd. 4).

Failure to report or document an incident, which includes providing false, deceptive, misleading or omitted information by any employee, may be a crime (Minn. Stat. § 609.234 Subd. 1).

### **326.3.1 RECORDS RESPONSIBILITIES**

The Office is responsible for providing a copy of the vulnerable adult abuse report to the following agencies for investigation (Minn. Stat. § 626.557 Subd. 4; Minn. Stat. § 626.557 Subd. 13):

- (a) The Department of Health if the report involved a facility required to be licensed as a hospital, home care provider, nursing home, residential care home, boarding care home or residential facility that is federally certified as an intermediate care facility for people with developmental disabilities, or any other facility that is required to be licensed by the Department of Health for the care of vulnerable adults.



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- (b) The Department of Human Services if the report involves a facility or service provider required to be licensed as adult day care, adult foster care, a program for people with developmental disabilities, a mental health program or chemical health program.
  - (c) The county social service agency for all other reports.

## **326.4 DEPUTY'S RESPONSE**

All incidents involving actual or suspected vulnerable adult abuse shall be responded to immediately, fully investigated and appropriately documented (Minn. Stat. § 626.557 Subd. 9b).

### **326.4.1 INITIAL RESPONSE**

Deputies may be called upon to make a forced entry as the first responder to the scene of a suspected vulnerable adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel, if they are not already present.

### **326.4.2 STABILIZE THE SITUATION**

Deputies must quickly assess the situation to ensure the immediate safety of all persons.

Deputies shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of a vulnerable adult.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.
- (c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type of abuse that may have taken place or the potential for abuse that may be eliminated by law enforcement intervention.
- (d) Make on scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the vulnerable adult without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against

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the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

### **326.4.3 SUPPORT PERSONNEL**

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- ESD supervisor
- Investigative personnel
- Evidence collection personnel
- Protective Services Assistance Team personnel
- Ombudsman shall be called if the abuse is in a long-term care facility

### **326.4.4 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS**

In any situation where a deputy reasonable believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may contact Adult Protective Services and request that they obtain a protective order against the person alleged to have committed or threatened such abuse if that person is not in custody (Minn. Stat. § 524.5-401). If an offense is taken where it is clear there has been family violence against an elder or dependent adult, upon arrest of the suspect, the deputy should request that a social services agency seek an Emergency Protective Order.

### **326.4.5 INVESTIGATION OF VULNERABLE ADULT ABUSE**

The Office shall, as soon as reasonably practicable, investigate any incident in which there is reason to believe a crime against a vulnerable adult has been committed. The investigating deputy will cooperate with county agencies involved in the investigation, including the exchange of records and information (Minn. Stat. § 626.557 Subd. 9b).

Deputies assigned to vulnerable adult investigations will participate in training as specified by state law (Minn. Stat. § 626.557 Subd. 9e).

## **326.5 VULNERABLE ADULT ABUSE REPORTING**

Every allegation of vulnerable adult abuse shall be documented. When documenting vulnerable adult abuse cases, deputies should include, at minimum (Minn. Stat. § 626.557 Subd. 9):

- (a) Time and date of the report.
- (b) Time, date and location of the incident.
- (c) Name, address and telephone number of the adult reporting.

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- (d) The basis of the reporter's belief that the vulnerable person has been abused, neglected, exploited or isolated.
  - (e) The name and address of the person responsible for care, if there is one.
  - (f) Names, addresses and telephone numbers of persons involved, including, but not limited to, perpetrators, alleged victims and witnesses.
  - (g) Whether there was a risk of imminent danger to the alleged victim.
  - (h) The nature and extent of the abuse, neglect, exploitation or isolation of the vulnerable adult.
  - (i) Any evidence of previous injuries.
  - (j) Disability, if any, of the alleged victim.
  - (k) Relationship of the alleged perpetrator to the alleged victim.
  - (l) Whether a facility was involved and, if so, which agency licensed the facility.
  - (m) Whether the reporter wishes to receive notification of the initial and final reports.

The identity of persons reporting cases of vulnerable adult abuse is confidential and will only be released per the Security and Release of Records and Information Policy (Minn. Stat. § 626.557 Subd. 5).

If requested by the person reporting vulnerable adult abuse, the Office shall notify him/her that the report was received and provide information on the initial disposition of the report within five business days of receipt, provided that the notification will not endanger the vulnerable adult or hamper the investigation (Minn. Stat. § 626.557 Subd. 9c).

### **326.6           OBTAINING ARREST WARRANT**

Deputies shall promptly request that the County Attorney's Office seek a warrant for the arrest of any person for whom probable cause exists to believe that the person is criminally responsible for the abuse, neglect, exploitation or isolation of a vulnerable adult (Minn. Stat. § 625.03).



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| Document Number: | <b>328</b>   |
| Document Name:   | <b>Non-Discrimination and Respectful Workplace</b> |
| Effective Date:  | <i>August 1, 2015</i>                              |
| Document Status: | <i>Approved</i>                                    |

### **328.1 PURPOSE AND SCOPE**

It is the responsibility of all Office employees to create, promote and maintain work environments in which all are respected, valued and welcomed. The Office will follow the County's Administrative Manual Policy on Non-Discrimination and Respectful Workplace.



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Document Number: **330**  
Document Name: **Reporting Maltreatment of Minors**  
Effective Date: *December 27, 2017*  
Document Status: *Approved*

**330.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the investigation of suspected child maltreatment and abuse. This policy also addresses when Office members are required to notify the county social services agency of suspected child maltreatment.

**330.1.1 DEFINITIONS**

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse/maltreatment** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (Minn. Stat. § 626.556; Minn. Stat. § 626.5561).

**330.2 POLICY**

The Office will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

**330.3 MANDATORY NOTIFICATION**

Members of the Office shall notify the county social services agency when they have reason to believe any of the following may have occurred or when someone reports any of the following (Minn. Stat. § 626.556):

- (a) A child is being neglected or has been neglected within the preceding three years.
- (b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child's care.
- (c) A child is being sexually abused, threatened with sexual abuse or has been sexually abused within the preceding three years by a person responsible for the child's care,

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by a person who has a significant relationship to the child or by a person in a position of authority.

- (d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 626.5561).

Notification is mandatory for any acts of neglect, physical abuse and sexual abuse that constitute a crime, whether or not the suspect had any relationship to or responsibility for the child (Minn. Stat. § 626.556, Subd. 10a).

For purposes of notification, physical abuse includes injuries, mental injuries or injuries that cannot be reasonably explained (e.g., punching, kicking, and burning). Sexual abuse includes criminal sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary clothing, shelter, medical care, etc. See Minn. Stat. § 626.556, Subd. 2 for full definitions of physical abuse, sexual abuse and neglect.

### **330.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (Minn. Stat. § 626.556):

- (a) The member tasked with the investigation shall call the county social services agency and report the alleged abuse as soon as possible but always within 24 hours. The time of the call and the name of the person should be documented.
- (b) Notification, when possible, should include:
1. The child's current location and whether the child is in immediate danger.
  2. A description of when and where the incident occurred and what happened to the child.
  3. A description of the injuries or present condition of the child.
  4. The names and addresses of the child, parents or caregivers.
  5. Whether there were any witnesses to the incident and their names.
  6. Any additional information about the child, family or caregivers that may be helpful.
  7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
  8. Whether there are immediate family, relative or community resources that would offer protection or support to the child.
- (c) Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 72 hours, exclusive of weekends and holidays.
- (d) Approved investigation reports should be forwarded to the county social services agency as soon as practical.

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- (e) When the child abuse occurred at a facility or by a person from a facility that requires a state license (e.g., foster homes, group homes, day care), notification shall also be made to the agency responsible for licensing the facility (Minn. Stat. § 626.556).

### **330.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom they made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.

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- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
  - (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
  - (i) Previous addresses of the victim and suspect.
  - (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

### **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the county social services agency. Generally, removal of a child from their family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from their parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian; unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to the county social services agency.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Minn. Stat. § 260C.175):

- (a) When a court has issued an order for removal
- (b) When a child is found in surroundings or conditions that pose an imminent threat to the child's health or welfare or that a peace officer reasonably believes pose an imminent threat to the child's health or welfare.
- (c) If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, taking the child into custody under this clause shall be consistent with the Indian Child Welfare Act (25 USC § 1922).



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### **330.6.1 NOTICE TO PARENT OR CUSTODIAN**

Whenever a deputy takes a child into protective custody, the deputy shall notify the parent or custodian that they may request that the child be placed with a relative or a designated caregiver instead of in a shelter care facility. The deputy also shall give the parent or custodian a list, published by the Minnesota Department of Human Services, of names, addresses and telephone numbers of social services agencies that offer child welfare services. If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the deputy has reason to believe the parent or custodian is not able to read and understand English, the deputy must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

The above notifications may be made by the county social services agency representative if they are at the scene.

### **330.6.2 SAFE PLACE FOR NEWBORNS**

A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility or ambulance service without being subject to prosecution (Minn. Stat. § 609.3785). The responsible social service agency is charged with addressing these matters but may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

## **330.7 INTERVIEWS**

### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### **330.7.2 DETAINING ABUSE VICTIMS FOR INTERVIEW**

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. Reasonable belief that medical issues of the child need to be addressed

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immediately.

2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

### **330.7.3 NOTIFICATION TO PARENTS**

Generally, deputies should cooperate with parents and guardians and seek consent prior to conducting interviews of children. However, when reasonably necessary, state law grants deputies the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 626.556, Subd. 10).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. The interview may take place outside the presence of the alleged offender or parent, legal custodian, guardian or school official (Minn. Stat. § 626.556, Subd. 10).

The deputy shall notify the parent, legal custodian or guardian that the interview occurred as soon as reasonably practicable after the interview, unless the juvenile court has determined that reasonable cause exists to withhold the information (Minn. Stat. § 626.556, Subd. 10).

### **330.7.4 INTERVIEWS AT SCHOOL**

If deputies assigned to investigate a report of maltreatment determine that an interview should take place on school property, written notification of the intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview and a reference to the statutory authority to conduct an interview on school property (Minn. Stat. § 626.556, Subd. 10).

The investigating deputy shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place and manner of the interview (Minn. Stat. § 626.556, Subd. 10).

### **330.7.5 DOCUMENTING AND RECORDING INTERVIEWS**

Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 626.561):

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- (a) The date, time, place and duration of the interview.
  - (b) The identity of the persons present at the interview.
  - (c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney's office regarding recording interviews of a child abuse victim.

### **330.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

### **330.9 DRUG -ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

#### **330.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigative Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including the county social services agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigative Division supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

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## **330.9.2 DEPUTY RESPONSIBILITIES**

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigative Unit supervisor so an interagency response can begin.

## **330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Minnesota requires or permits the following:

### **330.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (Minn. Stat. § 626.556, Subd. 11).

### **330.10.2 CHILD MORTALITY REVIEW PANELS**

Child mortality review panels are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This office shall cooperate fully with any such team and investigation (Minn. Stat. § 256.01, Subd. 12).

### **330.10.3 COORDINATION WITH SOCIAL SERVICES**

In every case of child abuse that would require notification to a local county social services agency, the investigating deputy shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating deputy shall prepare a report separate from the social services agency (Minn. Stat. § 626.556, Subd. 10).

### **330.10.4 NOTIFICATION PROCESS**

The Investigative Division Commander or the authorized designee is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 626.556).

### **330.10.5 COURT-ORDERED FIREARM SURRENDERS**

Surrendered firearms should be collected and submitted to the Forensic Science Laboratory in accordance with the Property and Evidence Policy.

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**330.11****TRAINING**

The Employee Development Unit should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.



Document Number: **332**  
Document Name: **Missing Persons**  
Effective Date: *October 23, 2017*  
Document Status: *Approved*

**332.1 PURPOSE AND SCOPE**

This policy provides guidance for handling missing person investigations.

**332.1.1 DEFINITIONS**

Definitions related to this policy include:

**Endangered** - A person the Office has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

- (a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.
- (b) The person is missing under known dangerous circumstances.
- (c) The person is missing more than 30 days.
- (d) The person is under the age of 21 and at least one other factor is applicable.
- (e) There is evidence that the person is in need of medical attention or prescription medication.
- (f) The person does not have a pattern of running away or disappearing.
- (g) The person is mentally impaired.
- (h) There is evidence that a non-custodial parent may have abducted the person.
- (i) The person has been the subject of past threats or acts of violence.
- (j) There is evidence that the person is lost in the wilderness, backcountry or outdoors where survival is precarious and search-and-rescue efforts are critical.
- (k) Any other factor the Office deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.
- (l) There is sufficient evidence that a child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

**Missing person networks** - Databases or computer networks that are available to law

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enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse and the Minnesota Crime Alert Network.

### **332.2 POLICY**

The Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Office gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

### **332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigative Unit and/or Forensic Science Laboratory supervisor(s) shall ensure the following forms and kits are developed and available:

- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Medical Records Release Form
- Biological sample collection kits

### **332.4 ACCEPTANCE OF REPORTS**

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those employees who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

### **332.5 INITIAL INVESTIGATION**

Deputies or other employees conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.
- (b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1 (b)). Interviews should be conducted separately, if practicable.

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- (c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).
  - (d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.
  - (e) Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.
  - (f) Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).
  - (g) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.
  - (h) Ensure that entries are made into the appropriate missing person networks, as follows:
    - 1. Immediately, when the missing person is endangered.
    - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
  - (i) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
  - (j) Collect and/or review:
    - 1. A photograph and a fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
    - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
    - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
    - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
  - (k) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the deputy should notify a supervisor and proceed with reasonable steps to locate the missing person.

### **332.5.1 CRIME SCENE INVESTIGATION AND MANAGEMENT**

If a crime scene is identified, it should be secured and a command post or operation base located at a reasonable distance from the crime scene. Staff and assign the responsibilities for command post supervisor, media specialist, search coordinator, investigative



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coordinator, communication officer and support unit coordinator. Provide two liaison deputies (one at the command post and one at the crime scene). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and the crime should consider various elements, including:

- (a) Establishing the ability to “trap and trace” all incoming calls. Consider setting up a separate telephone line or cellular telephone for office use and follow-up on all leads.
- (b) Compiling a list of known sex offenders in the region.
- (c) In cases of infant abduction, investigating claims of home births made in the area.
- (d) In cases involving children, obtaining child protective agency records for reports of child abuse.
- (e) Reviewing records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- (f) Obtaining the missing person’s medical and dental records, fingerprints and a biological sample when practicable or within 30 days.
- (g) Creating a missing person profile with detailed information obtained from records and interviews with family and friends, describing the missing person’s health, relationships, personality, problems, life experiences, plans, equipment, etc.
- (h) Interviewing delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
- (i) Determining if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:
  1. Investigative resources.
  2. Interpretive resources.
  3. Telephone services, such as traps, traces and triangulation.
  4. Media assistance from local and national sources.
- (j) Using secure electronic communication information, such as the missing person’s cellular telephone number, e-mail address and information from social networking sites.
- (k) Appointing a deputy to communicate with the family/reporting party or their designee. The deputy will be the primary point of contact for the family/reporting party or their designee, and should provide contact information and the family information packet (if available) to the family/reporting party or their designee.

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- (l) Providing general information to the family/reporting party or their designee about the handling of the missing person case or about any intended efforts, only to the extent that disclosure would not adversely affect the office's ability to locate or protect the missing person or to apprehend or criminally prosecute any person in connection to the case.

## **332.6 REPORT PROCEDURES AND ROUTING**

Employees should complete all missing person reports promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

### **332.6.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed. The reports should be promptly sent to the Investigative Division.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### **332.6.2 NOTIFICATION RESPONSIBILITIES**

The receiving employee shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigative Division.

## **332.7 INVESTIGATION FOLLOW-UP**

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the

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missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.
  2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).
- (d) Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat § 299C.535(a)):
1. Biological samples from family members and, if possible, from the missing person
  2. Dental information and x-rays
  3. Additional photographs and video that may aid the investigation or identification
  4. Fingerprints
  5. Any other specific identifying information
- (e) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (f) Shall verify and update the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).
- (g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.
- (h) May consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:
1. Developing a profile of the possible abductor.
  2. Using a truth verification device for parents, spouse and other key individuals.
  3. Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, reinterviewing key individuals and reexamining all physical evidence collected.
  4. Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest

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identified in the investigation.

5. Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, Internet or credit card activity.
  6. Developing a time line and other visual exhibits.
  7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
  8. Arranging for periodic media coverage.
  9. Considering the use of rewards and crime-stoppers programs.
  10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.
- (i) Shall maintain a close liaison with the National Center for Missing & Exploited Children® (NCMEC) if the missing person is under the age of 21 (42 USC § 5780).
  - (j) Should make appropriate inquiry with the coroner or medical examiner.
  - (k) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, and forward the photograph to BCA (Minn. Stat. § 299C.54).
  - (l) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

### **332.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Investigative Division shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to BCA.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a child is endangered, the fact that the child has been found shall be reported within 24 hours to BCA.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **332.8.1 PERSONS FOUND ALIVE**

Additional responsibilities related to missing persons who are found alive include:

- (a) Verification that the located person is the reported missing person.

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- (b) If appropriate, arranging for a comprehensive physical examination of the victim.
  - (c) Conducting a careful interview of the person, documenting the results of the interview and involving all appropriate agencies.
  - (d) Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be given this information.
  - (e) Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
  - (f) Performing a constructive post-case critique. Reassessing the procedures used and updating the Office policy and procedures as appropriate.

### **332.8.2 UNIDENTIFIED PERSONS**

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### **332.8.3 DECEASED PERSONS**

If a deceased person has been identified as a missing person, detectives shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25, Subd. 2).

Additional investigation responsibilities include the following:

- (a) Secure the crime scene if this office has jurisdiction.
- (b) Contact the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
- (c) Collect and preserve any evidence at the scene.
- (d) Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
- (e) Cancel alerts and remove the case from NCIC and other information systems; remove posters and other publications from circulation.
- (f) Perform a constructive post-case critique. Reassess the procedures used and update the office policy and procedures as appropriate.

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## 332.9 CASE CLOSURE

The Investigative Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Hennepin County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.



Document Number: **334**  
Document Name: **Public Alerts**  
Effective Date: *October 23, 2017*  
Document Status: *Approved*

**334.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

**334.2 POLICY**

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

**334.3 RESPONSIBILITIES**

**334.3.1 EMPLOYEE RESPONSIBILITIES**

Employees of the Office should notify their supervisor or the Watch Commander as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

**334.3.2 SUPERVISOR RESPONSIBILITIES**

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Watch Commander who will notify the appropriate Division Commander, CISA and the Director of Communications when any public alert is generated.

The supervisor or Watch Commander in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed

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- (d) Preparing an after-action evaluation of the investigation to be forwarded to their supervisor who fill forward to the appropriate Division Commander.

### **334.4 AMBER ALERTS**

America's Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).

#### **334.4.1 CRITERIA**

Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

Employees shall follow the requirements of the Bureau of Criminal Apprehension (BCA) and implement an AMBER Alert if both of the following criteria are met:

- (a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.
- (b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be activated if there is no information to distribute. In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case.

#### **334.4.2 PROCEDURE**

The supervisor shall review the AMBER Alert checklist provided by the BCA to determine whether the abduction meets the AMBER Alert criteria. If the supervisor determines that the criteria are met, the supervisor shall contact the BCA Operations Center and provide the requested information using the following contact numbers:

- (651) 649-5451
- (800) 832-6446

In the event of a confirmed child abduction in which the Office is the lead investigating agency, whether or not an AMBER Alert is activated, procedures designed to alert the media should be followed.



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- (a) The Director of Communications, Shift Supervisor, Investigative Division Supervisor or CISA analyst will prepare an initial press release that includes all available information that might aid in locating the child, such as:
1. The child's identity, age and description.
  2. Photograph if available.
  3. The suspect's identity, age and description, if known.
  4. Pertinent vehicle description.
  5. Detail regarding location of incident, direction of travel, potential destinations, if known.
  6. Whether there is reason to believe the suspect has a relationship to the victim.
  7. Name and phone number of the Director of Communications or other authorized individual to handle media liaison.
  8. A telephone number for BCA to call for further information.
  9. A telephone number for the public to call with leads or information.
- (b) The Director of Communications, Shift Supervisor, Investigative Division Supervisor or CISA analyst will notify the Communications Center at the BCA.
- (c) After the information is checked, an AMBER Alert will be issued and the Minnesota Emergency Alert System (EAS) will be activated.
- (d) The individual responsible for making notifications shall also consider the following resources, as the circumstances dictate:
1. Minnesota State Patrol (MSP)
  2. FBI local office
  3. Prompt entry of information into the U.S. Department of Justice National Crime Information Center Missing and Unidentified Person System (MUPS)
  4. National Center for Missing and Exploited Children
  5. Office Internet sites, communications and resources
- (e) As additional information pertinent to the case becomes available, it shall be forwarded to BCA.
- (f) The Investigative Division supervisor investigating the abduction or other individual responsible for making notifications shall prepare and forward to the previously described locations, additional information regarding the search and investigation.
- (g) Upon closure of the child abduction, the Investigative Division Supervisor shall immediately notify BCA with the pertinent information.

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## **334.5 MINNESOTA CRIME ALERT NETWORK**

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case. Law enforcement agencies, businesses, schools and community members participate in the network.

### **334.5.1 CRITERIA**

MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.

### **334.5.2 PROCEDURE**

If a supervisor determines that a MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information using the following contact numbers:

- (651) 649-5451
- (800) 832-6446



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|                  |                                      |
|------------------|--------------------------------------|
| Document Number: | <b>336</b>                           |
| Document Name:   | <b>Victim and Witness Assistance</b> |
| Effective Date:  | <i>August 1, 2015</i>                |
| Document Status: | <i>Approved</i>                      |

**336.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

**336.2 POLICY**

The Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

**336.3 CRIME VICTIM LIAISON**

The Sheriff designee may appoint an employee of the Office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/ or witnesses.

**336.3.1 SPECIFIC VICTIM LIAISON DUTIES**

The crime victim liaison shall assist the Minnesota Crime Victims Reparations Board in performing its duties and ensure that copies of requested reports are forwarded to the board or other authorized organizations within 10 days of receipt, in compliance with the Security and Release of Records and Information Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171; Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

**336.3.2 VICTIM PRIVACY**

A victim's identity may remain private as required by law or as requested by the victim (Minn. Stat. § 611A.021, Minn. Stat. § 13.82 Subd. 17).

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## 336.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

## 336.5 VICTIM INFORMATION

Division Commanders or designee shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Resources available for victims of identity theft.
- (i) A place for the deputy's name, badge number and any applicable case or incident number.
- (j) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:
  1. [Safe at Home](#) address confidentiality program (Minn. Stat. 5B.03)
  2. Offender release notification (Min. Stat. 244.052; Minn. Stat. 244.053; Minn. Stat. 611A.06; Minn. Stat. 629.73)

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3. Tenancy issues (Minn. Stat. 504B.205; Minn. Stat. 504B.206)
  4. Victim and specific domestic violence victim information/Minnesota [CHOICE](#) (Minn. Stat. 611A.02 et seq.; Minn. Stat. 629.341; Minn. Stat. 629.72)
  5. A notice that a decision to arrest is the deputy's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution

### **336.6 WITNESSES**

Deputies should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.



Document Number: **338**  
Document Name: **Hate or Prejudice Crimes**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**338.1 PURPOSE AND SCOPE**

The Hennepin County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this office will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

**338.1.1 FEDERAL JURISDICTION**

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

**338.2 DEFINITIONS**

**Hate or Prejudice Crime** - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (see generally Minn. Stat § 611A.79 Subd. 1).

**338.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES**

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

- (a) Deputies should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

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- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
  - (c) Educating community and civic groups relating to hate crime laws.

#### **338.4 PROCEDURE OF INVESTIGATING HATE OR PREJUDICE CRIMES**

Within the investigative jurisdiction of the Office, whenever any member of this office receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- (a) Deputies will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned deputies will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- (d) The assigned deputies will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- (e) Depending on the situation, the assigned deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned deputies will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant report(s). All related reports will be clearly marked as "Hate or Prejudice Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputies before the end of the shift.
- (g) The assigned deputies will provide the victim(s) of any suspected hate or prejudice crime with the brochure on hate and prejudice crimes authorized by the Office. Such brochures will also be available to members of the public upon request. The assigned deputies should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.
- (h) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecutor or County Attorney.

#### **338.5 INVESTIGATIVE DIVISION RESPONSIBILITIES**

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If a case is assigned to the Investigative Division, the assigned detective will be responsible for following up on the reported hate or prejudice crime as follows:

- (a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintaining contact with the victim(s) and other involved individuals as needed.
- (c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

### **338.5.1 STATE HATE CRIME REPORTING**

This office shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by Investigative Division (Minn. Stat § 626.5531). Reports are required to include:

- (a) The date of the offense.
- (b) The location of the offense.
- (c) Whether the target of the incident was a person, private property or public property.
- (d) The crime committed.
- (e) The type of bias and information about the offender and the victim that is relevant to that bias.
- (f) Any organized group involved in the incident.
- (g) The disposition of the case.
- (h) Whether the determination that the offense was motivated by bias was based on the deputy's reasonable belief or on the victim's allegation.
- (i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

### **338.5.2 FEDERAL HATE CRIME REPORTING**

The Investigative Division should include hate crime data reporting within the National Incident- Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to their procedures and in compliance with (28 USC § 534 (a)).

### **338.6 TRAINING**

All members of this office will receive training on hate and prejudice crime recognition and



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investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat § 626.8451 Subd. 1 and 4).



Document Number: **340**  
Document Name: **Conduct**  
Effective Date: *January 29, 2021*  
Document Status: *Approved*

**340.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide employees of this office with guidelines for their conduct in order that they may meet the expectations of this Office in serving the community. This policy incorporates the elements of the Peace Officer Standards and Training Board Model Policy regarding the professional conduct of peace officers. However, this policy shall apply to all employees of this office. This policy shall not be construed to increase or establish an employee's civil or criminal liability, nor shall it be construed to create or establish a higher standard of safety or care.

A violation of any portion of this policy may only serve as the basis for internal disciplinary and/ or administrative action. The rights of employees under this policy are in addition to collective bargaining agreements or any other applicable law (see generally Minn. R. Ch. 6700.1500).

The Office shall report annually to the MN POST Board data regarding the investigation and disposition of cases involving alleged misconduct of a deputy sheriff (Minn. Stat. § 626.8457 Subd. 3).

**340.2 POLICY**

The continued employment of every employee of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action (see generally Minn. R. Ch. 6700.2000 to Minn. R. Ch. 6700.2600).

Employees of the Office shall conduct themselves at all times in a manner that exemplifies high standards of professionalism, integrity, trust, morality and ethical behavior.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for their position or that brings discredit or harm to the professional image or reputation of the Office, its members, the County or the law enforcement profession.

Any disciplinary actions against an employee arising from violations of this policy shall be investigated in accordance with the Disciplinary Procedure Policy, and Personnel Complaints

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Policy. Any disciplinary actions against a deputy sheriff will also be investigated in accordance with the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89).

An employee need not be convicted in a court of law to be disciplined under the rules of this policy if the evidence and subsequent investigation show a violation occurred.

### **340.2.1      LAWFUL ORDERS**

Employees shall comply, absent a reasonable and bona fide excuse, with lawful directives and orders from any supervisor or person in position of authority.

An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:

- (a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the division/unit commander of the conflict or error of the order.
- (b) Provide details explaining the grounds for the belief of the conflict or error of the order.
- (c) Request clarification, guidance and direction regarding following the order.
- (d) Request the order in writing should the conflict or error be unresolved.
- (e) Respectfully inform the supervisor if they intend to disobey what they reasonably believe to be an unlawful order.

An employee's election to disobey an order they believe to be unlawful is not a bar to discipline should the order be determined as lawful.

No supervisor shall issue an order which they know or should know violates a statute, ordinance, Office policy or divisional operating guideline. Employees shall not obey an order which they know or should know would require them to commit any illegal act or violate any Office policy. Employees shall request the issuing supervisor to clarify the order or to confer with higher authority.

Employees shall not criticize or make derogatory comments on orders received from a supervisor. This includes orders relayed from a superior employee by an employee of the same or lesser rank. Employees shall not ridicule a supervisor, or any order issued by the supervisor, whether in or out of their presence; such behavior shall constitute insubordination. Disrespectful, rebellious, or abusive language toward a supervisor is insubordination.

When receiving orders from another division or unit's supervisor, the employee shall notify their immediate supervisor. If the supervisor is not available, the employee shall execute the order, then report to their supervisor and inform them of the detail.

Supervisors shall treat subordinates with respect. Supervisors shall not ridicule a subordinate nor discipline them in the presence of other persons. Any employee that feels they have been injured or discredited by a supervisor through unreasonable, unjust or arbitrary conduct, including abusive language, shall complain in writing through their

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Bureau Major to the Chief Deputy.

### 340.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following sections describe conduct which may be cause for disciplinary action. These sections do not describe the only disciplinary standards of the Office and are not intended to cover every possible type of misconduct. The fact that conduct is not described in these sections does not preclude the Office from disciplining employees for any action or inaction that is deemed to be detrimental to the Office.

Employees shall 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 pursuant to legal authority. Employees must understand the laws defining their enforcement powers and may only act in accordance with the powers granted to them.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee:

- (a) Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.
- (b) Activity that is incompatible with an employee's conditions of employment established by law or that violates a provision of any agreement or contract.
- (c) Violation of any rule, order, requirement or the failure to follow instructions contained in Office or County manuals.
- (d) A written record of repeated infractions of policy and procedure, guidelines, directives or special order of the Office and repeated poor evaluations.
- (e) Willful disobedience to any legal order properly issued by any superior officer of the Office.
- (f) Willful neglect of duty, including failure or refusal to perform a known mandatory, non- discretionary, ministerial duty of the Office or employment within the time or in the manner required by law to perform (Minn. Stat. § 609.43 (1)).
- (g) Failure to properly inventory and secure property or evidence that has been discovered, gathered, or received relating to an investigation or other law enforcement action.
- (h) Manufacture, conceal, falsify, destroy, remove, tamper with, withhold, or convert property or evidence for their own use.
- (i) Failure to comply with the requirements of the Minnesota Government Data Practices Act, including but not limited to disclosure to unauthorized persons of data classified as active investigative data or unauthorized disclosure of the identity of persons giving confidential information.

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- (j) Use or access to files, documents, records, reports and information held by the Office by an employee without a legitimate purpose related to the employee's position. This may include unauthorized access to case files contained in Office databases, the taking of screenshots/photographs of these databases or official documents, unauthorized review, duplication, dissemination, removal, installation, damage or alteration of files held by the Office.
  - (k) Unreasonable and unwarranted violence to a person encountered or person under arrest.
  - (l) Under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property or rights (Minn. Stat. § 609.43 (3)).
  - (m) Use of obscene, profane or derogatory language while on-duty and/or in uniform.
  - (n) Unauthorized attendance while on-duty at official legislative or political sessions or functions.
  - (o) Willful and inexcusable destruction or loss of Office property and failure to report such destruction or loss.
  - (p) Use of Office equipment other than for official business.
  - (q) Failure of any employee to maintain in proper order equipment issued to the employee by the Office.
  - (r) Loaning or giving Office keys or access cards to any person not authorized to have such.
  - (s) Failure of any employee to report lost keys, key fobs or access cards to immediate supervisor.
  - (t) Failure to notify their division/unit commander within 24 hours of the event, or prior to reporting to work, if an employee has been involved (including but not limited to, arrested, cited, interviewed, investigated, notified of complaint against, charged by complaint or if they are party to, or have been served with, any court order) in any offense which is punishable under federal or state law, or local ordinance, regardless of whether the employee is ever arrested, charged, or convicted of this conduct. This excludes a minor traffic violation or parking citation, unless the minor traffic violation or parking citation occurred while on duty in a personal or county-owned vehicle.
  - (u) Violations of federal, state, local or administrative laws that are willful or inexcusable or involve moral turpitude, including violations of Minn. R. Ch. 6700.1600.
  - (v) Commits any act in an official capacity knowing it is in excess of authority or forbidden by law (Minn. Stat. § 609.43 (2)).
  - (w) Any on- or off-duty conduct that any employee knows or reasonably should know is unbecoming a member of the Office or that is contrary to good order, efficiency or morale, disgraceful or that tends to reflect unfavorably upon the Office or its members.

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- (x) Referring any citizen who has a complaint about the Office to the County Board of Commissioners instead of to a Division Commander. Requests or referrals involving Office business shall be directed through a division commander.
  - (y) Failure of any employee to get approval from division/unit commander to sell a fundraiser item for a charity or other nonprofit group (candy, raffle tickets etc.). A division/unit commander may approve or disapprove the selling of items

### **340.3.1 ATTENDANCE**

- (a) Leaving the job, to which assigned, during duty hours without reasonable excuse and proper permission and approval.
- (b) Tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse whether on-duty or on call. Employees with an unexplained absence for three consecutive days shall be deemed to have resigned and should be directed to Administration.
- (d) Failure to report to work immediately upon receipt of an emergency duty notification and comply with instructions given at the time of the communication.
- (e) Failure to report for duty in the event of a major disaster, even if not notified. Employees shall report to Enforcement Services Division as soon as possible, after caring for the needs of their immediate family.
- (f) Failure to notify the Office within 24 hours of any change in residence address, home phone number or emergency contact information.
- (g) Unauthorized absence from duty or abuse of leave privileges.
- (h) Feign a sickness, injury or good health, falsely report themselves ill, injured or healthy, or otherwise deceive any official of the Office as to the condition of their health.

### **340.3.2 GENERAL CONDUCT**

- (a) Any failure or refusal to properly perform the function and duties of an assigned position.
- (b) Failure to appear for a court or quasi-judicial hearing as required by subpoena without receiving permission to be excused from the person who issued the subpoena. Employees shall avoid any comments or mannerism which may imply disrespect to the court.
- (c) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (d) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.

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- (e) Authorize the use of their identity as an Office employee (name, photograph, title) in connection with testimonials or advertisements of any commodity or commercial enterprise without the written approval of the Sheriff.
  - (f) Recommend or suggest in any manner the employment or procurement of a particular product, professional service, or commercial service such as, an attorney, ambulance service, towing service, bonding company, or mortician, to members of the public while on- duty.
  - (g) Failure to maintain required and current licenses (e.g. driver's license, POST license) and certifications (e.g. first aid).
  - (h) Establishing a social relationship with a known victim, witness, suspect or defendant of an Office case while such case is being investigated or prosecuted as a result of such investigation.
  - (i) Using Office resources in association with any portion of a personal civil action to include, but not limited to, personnel, vehicles, equipment and records.
  - (j) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
  - (k) Failure of any employee to promptly and fully report activities on their part or the part of any other employee, whether seen or heard, where such activities may result in criminal prosecution or discipline.
  - (l) Using or disclosing one's status as an employee with the Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Office business or activity.
  - (m) Attempt to influence another on behalf of themselves or any other person or organization, for purpose of promotion, advantage, transfer or advancement.
  - (n) Intervene with cases being handled by other employees of the Office or by other governmental agency unless ordered to by a supervisor or the intervening employee has sufficient reason to believe that an injustice would result from failure to take immediate action.
  - (o) Interfere with the normal processing of any traffic citations, notices to appear or get a final warning reduced, voided or stricken from record or files.
  - (p) Undertake any investigation or other official action not part of regular duties without supervisory approval, unless the exigencies of the situation require immediate law enforcement action.
  - (q) Possess keys to any business or commercial premises, which an employee does not own, unless authorized by their division/unit commander.
  - (r) Failure to report within 24 hours or prior to reporting for duty the loss or suspension of their driving privilege on- or off-duty.

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- (s) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.
  - (t) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact, or soliciting an unwelcome personal or sexual relationship.
  - (u) Loiter in restaurants, offices or other public or private locations giving the appearance of spending non-productive time while on-duty.
  - (v) Knowingly visit or enter a location where criminal activity is known to take place, or the establishment is operated by a known criminal or affiliated with any known crime figure.
  - (w) Shop, barter or trade for personal items in uniform on- or off-duty.
  - (x) Failure of employee to keep their supervisor informed of any matter which may affect the operations or reputation of the Office.

### **340.3.3      DISCRIMINATION, OPPRESSION, HARASSMENT OR FAVORITISM**

- (a) Discriminate against, oppress or provide favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition or intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity.
- (b) Discourteous or disrespectful treatment toward any member of the public, any employee of this office, or person in custody.
- (c) Delay response to a call for assistance. Emergency calls take precedence; however, all calls shall be responded to as soon as possible consistent with normal safety precautions and vehicle laws.
- (d) Refuse to courteously and promptly record in writing a complaint made by a citizen against an employee or the Office. Employees may attempt to resolve the complaint but shall never attempt to dissuade any citizen from lodging the complaint.
- (e) Subject another to sexual harassment.
- (f) Racial profiling (Minn. Stat. § 626.8471 Subd. 2).

### **340.3.4      INTOXICANTS**

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an odor of alcohol on the employee's breath.
- (b) Consuming intoxicating beverages off-duty to the extent that it results in illegal, obnoxious or offensive behavior which discredits the employee or the Office or renders the employee unfit to report for their next scheduled duty assignment.



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- (c) Possessing alcoholic beverages or controlled substances in any Office facility, property, parking lot, or in any vehicle under the control of the Office, except when such items are held as evidence, or in accordance with an assignment, or while acting under proper and specific orders from a supervisor.
  - (d) Reporting for work or being at work following the use of a controlled substance.
  - (e) Failure to report to a supervisor the use of any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
  - (f) Unauthorized possession, storage, use of, or attempting to bring a controlled substance or other illegal drug to any work site.

### **340.3.5 PERFORMANCE**

- (a) Sleeping during on-duty time or assignments without permission.
- (b) Failure or refusal of an employee to wear the appropriate uniform or attire with proper equipment and being properly groomed by Office policy.
- (c) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (d) Unsatisfactory work performance, including but not limited to, failure, incompetence, unwillingness, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (e) Employees shall use good judgment in carrying out their duties and responsibilities. Employees need to be aware of possible consequences of their actions.
- (f) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (g) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (h) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose, to include using their official position to collect or attempt to reduce or extend any personal financial obligation.
- (i) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Office or subverts the good order, efficiency and discipline of the Office or that would tend to discredit any member thereof.
- (j) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Office record, public record, book, paper document (Minn. Stat. § 609.43 (4)).
- (k) Withholding facts or information relative to any criminal offense or hold secret information to be used for ulterior motive or for personal credit.

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- (l) Wrongfully loaning, selling, allowing unauthorized use, giving away or appropriating any Office badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.
  - (m) Buying or receiving as a gift or selling anything of value from or to any complainant, suspect, witness, defendant, inmate, or other person involved in any case which has come to the employee's attention, or which arose out of their Office employment.
  - (n) Carrying, while on the premises of the workplace, any firearm or other deadly weapon that is not required for the performance of the employee's current job duties or authorized by their appointing authority.
  - (o) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties.
  - (p) Any knowing or negligent violation of the provisions of the Office manual, operating procedures, failing to adhere to established practices as presented via authorized training, or other written directive of an authorized supervisor. The Office shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with this manual and each of the policies contained in the Office manual.
  - (q) Work-related dishonesty, failure to disclose, being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Office or members thereof, misrepresenting material facts, including upon or within any application, examination form or other official document, report or form, or during the course of any investigation, including failure to participate in any Office-related investigation or business.
  - (r) Violating a law related to employment or any misdemeanor or felony statute involvement in any criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/ employer relationship, whether on- or off-duty, including associating with, or joining a criminal gang, organized crime and/or criminal syndicate, security threat group or persons who engage in serious violations of state or federal laws when an employee knew or reasonably should have known of the criminal nature of the organization.
  - (s) Attempted or actual theft of Office property, misappropriation or misuse of public funds, property, personnel or services or the property of others or the unauthorized removal or personal possession of Office property to include Office pictures, reproductions, diagrams, daily logs, accident reports or information that is evidence or Official business, or possession of Office property or the property of another person.
  - (t) A deputy sheriff failing to take reasonable action as a peace officer while on-duty and when required by law, statute, resolution or approved Office practices or procedures and/or demonstrating a lack of knowledge of the applications of laws required to be enforced. Off- duty employees shall avoid becoming involved in neighborhood quarrels or disputes and should be handled by on-duty officers or disinterested parties.
  - (u) Offer or acceptance of a bribe or gratuity.

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- (v) Exceeding lawful peace officer powers authority.
  - (w) Purposely withholding employee's name from any person requesting this information while conducting Office business, unless the withholding of such information is necessary for the performance of undercover duties or authorized by a supervisor.
  - (x) Unlawful gambling or unlawful betting.
  - (y) Legal gambling or betting under any of the following conditions: while on Office premises; at any work site; while on-duty or while in uniform; while using any office equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
  - (z) Tobacco use in and on any Hennepin County property or in any County-owned vehicle.

#### **340.3.6 SAFETY**

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Office facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to be medically, physically and psychologically fit to perform assigned duties.
- (e) Failure to ensure adequate rest.
- (f) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (g) Violating Office safety standards or safe working practices.

#### **340.3.7 SECURITY**

Unauthorized, intentional release of designated confidential, private, non-public or protected non-public data, or any other activities prohibited under the Security and Release of Records and Information policy.

#### **340.3.8 POLITICAL ACTIVITY**

- (a) An employee may be elected to and hold political office, or accept public appointment, while continuing in an Office position. It shall be required, however,

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that the employee continue to fully and satisfactorily perform all of the duties and responsibilities of their position during assigned working hours. Upon election or appointment to a political or governmental office, the employee is required to notify the Sheriff or designee, immediately in writing. If it is determined that the duties and obligations of the governmental office conflict with the proper discharge of the employee's Office responsibilities, or that a conflict of interest exists, separation or a leave of absence from Office service will be required. Since conflicts of interest are not easy to define, each potential conflict will be considered on a case-by- case basis.

- (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Office or County property or while in any way representing themselves as a member of this office, except as expressly authorized by the Sheriff or designee is prohibited.
- (c) Engaging in political activities during assigned working hours is prohibited.

#### **340.4 SUPERVISOR RESPONSIBILITIES**

If an employee's conduct is a cause of action for discipline, the supervisor or manager shall inform the employee promptly and specifically of the improper conduct.

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this office and that the actions of all personnel comply with all laws.
- (b) Failure to report in a timely manner any known misconduct of an employee to their immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority toward any employee for malicious or other improper purpose.



Document Number: **342**  
Document Name: **Office Technology Use**  
Effective Date: *January 29, 2021*  
Document Status: *Approved*

**342.1 PURPOSE AND SCOPE**

This policy describes the use of Office computers, software and systems, and electronic communications.

**342.1.1 PRIVACY POLICY**

Any employee utilizing any computer, electronic storage device or media, Internet service, telephone service, information conduit system or other wireless service, or any form of electronic communication provided by or funded by the Office expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Office also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

**342.2 DEFINITIONS**

The following definitions relate to terms used within this policy:

**Computer System** - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Office, that are provided for use by Office employees.

**Electronic Communications** - Any transfer of data, images, intelligence, signals, sounds, or writings that are broadcasted, copied, created, displayed, distributed, downloaded, forwarded, held, printed, read, replied to, sent, stored, transmitted or viewed by any electronic communications systems.

**Electronic Communication Devices** - includes, but is not limited to, cellular phones, computers, e-mail, fax machines, Internet, laptops, modems, mobile data terminals (MDTs), mobile data computers (MDCs), personal data assistants (PDAs), radios, telephones and two-way pagers.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment,

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modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

**Temporary File or Permanent File or File** - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages. Such data is classified as government data under the Minnesota Government Data Practices Act and shall be treated as such by all employees.

### 342.3 SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on Office computers or systems. An Office designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of their supervisory duties or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or related to the employee's duties, an alleged or suspected violation of any Office policy, request for disclosure of data, or a need to perform or provide an agency service.

### 342.4 AGENCY PROPERTY

All information, data, documents and other entries initiated on any of the agency's computers, whether downloaded or transferred from the original agency computer, shall remain the exclusive property of the Office and shall not be available for personal or non-Office use without the express written authorization of an employee's supervisor.

Numerous official files, documents, records, reports and information held by the Office or in the custody or control of Office employees are regarded as non-public and/or confidential. Employees shall not access, disclose or permit the disclosure or use of such files, documents, reports, records or information except as required in the performance of their official duties and consistent with State and Federal law related to data practices. If an employee is uncertain of the status of any document, they should consult with the Office's Data Practices Responsible Authority.

Use or access to files, documents, records, reports and information held by the Office by an

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employee without a legitimate purpose related to the employee's position may be cause for disciplinary action. This may include unauthorized access to case files contained in Office databases, the taking of screenshots/photographs of these databases or official documents, unauthorized review, duplication, dissemination, removal, installation, damage or alteration of files held by the Office.

### **342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE**

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of an agency computer virus infection, employees are not permitted to install personal copies of any software onto the computers owned or operated by the Office. If an employee must copy data onto a disk and download it on a non-Office computer, the employee shall scan the disk for viruses before reloading the data on the Office computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the Office while on Office premises or on the Office computer system. The Office and individuals can be subject to civil damages per title copied, along with criminal penalties, including fines and imprisonment. Individuals who violate this policy may also be subject to discipline.

### **342.6 INTERNET USE**

Access to Office technology resources including Internet access provided by, or through, the Office shall be limited to Office-related business activities. Incidental or occasional personal use of the Internet and Telecommunications Systems may be permitted subject to limitations. Data stored on, or available through, Office systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or Office business-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to Office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files. No software program files may be downloaded without authorization of the IT Department or, when related to criminal investigations, the Sheriff or designee.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

Employees shall refer to County Policy in reference to Internet and Telecommunications Systems Usage.

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## **342.7 INTRODUCTION OF SOFTWARE**

Introduction of software by users should only occur as a part of the automated maintenance or update process of Office or County-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization by the IT Department.

### **342.7.1 OFFICE INFORMATION TECHNOLOGY GOVERNANCE PROCESS**

The Office utilizes an Information Technology governance process by which decisions and priorities regarding information technology software and hardware implementation that meet established organizational missions, goals and strategic outcomes.

The Information Technology governance structure consists of the following:

- (a) IT Governance Board - Sheriff, Chief Deputy, Majors
- (b) IT Divisional Steering Committee - Captains and Civilian Managers
- (c) IT Advisory Committee Key staff at the user level within individual units.

### **342.7.2 MAINTENANCE AND SUPPORT OF SOFTWARE, HARDWARE AND SYSTEMS**

The designated divisions within the Office shall retain current maintenance and/or support contracts with vendors for Information Technology assets such as hardware, software and specialized equipment to maintain reliability and functionality for use. Exceptions to this requirement include, but are not limited to, the following instances:

- (a) A vendor no longer exists to support the hardware/software.
- (b) A vendor discontinues support/maintenance.
- (c) It is decided to continue to utilize a system after an "end of life" notice has been provided.
- (d) The application is created and implemented internally within the Public Safety Line of Business IT without outside vendor support/maintenance.

## **342.8 PROTECTION OF OFFICE SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.



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## 342.9 BACKUP AND RECOVERY

Backup and recovery procedures may vary for different applications that exist regarding Office devices. Division/unit commanders, in consultation with the Public Safety Line of Business IT, are responsible for business continuity plans, processes and procedures in the event of system failures minimizing impacts to the Office and its critical functions.

Data stored on Office systems are subject to division/unit records retention schedules.



Document Number: **344**  
Document Name: **Report Preparation**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**344.1 PURPOSE AND SCOPE**

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

**344.1.1 REPORT PREPARATION**

Employees should ensure that their reports are sufficient for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held. Unless special circumstances exist, all reports will be submitted electronically using the RMS.

Handwritten reports, if necessary, must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

**344.2 REQUIRED REPORTING**

Written electronic RMS reports are required in all of the following situations on the appropriate Office-approved form unless otherwise approved by a supervisor.

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### 344.2.1

### CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim does not desire prosecution is not an exception to documenting a report. Unless special circumstances exist (e.g., officer involved shooting, in-custody death), documentation written report should be completed in the following situations:

- (a) In instances where a crime has occurred, the documentation shall take the form of a written report.
- (b) In cases where any force is used against any person by sheriff's personnel.
- (c) Incidents involving family violence or the threat of violence.
- (d) All incidents of crimes motivated by bias (Minn. Stat. § 626.5531).
- (e) All arrests.

### 344.2.2

### NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time a deputy points a firearm at any person
- (b) Any use of force against any person by a member of this office (see the Use of Force policy)
- (c) Any firearm discharge (see the Firearms policy)
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Response and Reporting policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor
- (k) Any watercraft collision or accident, drowning death and/or general water accident should be reported on the appropriate Department of Natural Resource Form (Minn. Stat. § 86B.105(a))

### 344.2.3

### DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in

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compliance with the Death Investigations Policy.

#### **344.2.4 INJURY OR DAMAGE BY OFFICE PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of an Office employee. Additionally, reports shall be taken involving damage to Office property or Office equipment.

#### **344.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this office shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) Attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident when deemed necessary.

### **344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

#### **344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Office consistency.

#### **344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

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#### **344.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the originating employee, stating the reasons for rejection. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

#### **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

#### **344.6 ELECTRONIC SIGNATURES**

The Office has established an electronic signature procedure for use by all employees of the Office. The Information Technology Unit shall be responsible for maintaining the electronic signature system, for ensuring that each employee creates a unique, confidential password for their electronic signature and that the use of electronic signatures otherwise complies with the law.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of their electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

#### **344.7 PAPER FORMS/DOCUMENTS**

Paper documentation associated with an incident in the RMS can be fully scanned and uploaded into the appropriate incident file in the RMS for retention. Once uploaded and provided that the uploaded file represents the complete contents of the paper document, the paper copy does not need to be retained and may be destroyed.



Document Number: **346**  
Document Name: **News Media Relations**  
Effective Date: *July 20, 2023*  
Document Status: *Approved*

**346.1 PURPOSE AND SCOPE**

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies, other law enforcement activities and information.

**346.2 RESPONSIBILITIES**

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. However, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, the designees including the Chief Deputy, Majors, Public Information Officer (PIO), Responsible Authority Designee (RAD), and the designated Communications team member may prepare and release information to the media in accordance with this policy and the applicable law.

**346.2.1 MEDIA REQUEST**

Any media request for information related to an ongoing or recent law enforcement situation shall be referred to the PIO. Under no circumstance shall any member of this office make any comment(s) to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff or designee. In situations involving multiple law enforcement agencies, every reasonable effort shall be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.

**346.3 MEDIA ACCESS**

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

- 1. Reasonable effort should be made to provide a safe staging area for the media

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that is near the incident and that will not interfere with emergency or criminal investigation operations.

2. All information released to the media should be coordinated through the Sheriff, PIO, or other designated spokesperson.
- (c) No member of this office shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Sheriff and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the PIO or other designated spokesperson.

### **346.3.1                    TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

### **346.3.2                    PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

## **346.4                    SCOPE OF INFORMATION SUBJECT TO RELEASE**

Information about significant law enforcement activities shall be made available, upon request, to media representatives through the Public Information Officer. This information will consist

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of data classified as public and should generally contain the following (Minn. Stat. § 13.82 Subd. 2, 3 and 8):

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law (Minn. Stat. § 260B.171 Subd. 5.)

At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or would be a violation of Minn. Stat. § 617.246 Subd. 2 and Minn. Stat. § 13.82 Subd. 17 (b).

At no time shall identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this office has determined that the identity of a juvenile witness reasonably requires protection (Minn. Stat. § 13.82 Subd. 17 (g)).

Information concerning incidents involving persons whose identities are classified as private data under Minn. Stat. § 13.82 Subd. 17, shall be restricted from disclosure in accordance with that statute. Further detail is available in the Security and Release of Records and Information Policy.

Identifying information concerning deceased individuals should be released by the Hennepin County Medical Examiner's Office except in cases where the Medical Examiner designates or authorizes the Office to release the information or the information has already been released by the Medical Examiner.

If the above stated circumstances apply, then identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Minnesota Data Practices Act (Minn. Stat. § 13.03).



It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (See the Records and Information Release Policy and the Personnel Files Policy). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) The identities of involved deputies only when the release hinders a law enforcement purpose or reveals the identity of an undercover law enforcement officer and as otherwise required by law (Minn. Stat. § 13.82).
- (b) Photographs of a deputy without their permission except as provided in Minn. Stat. § 626.89 Subd. 12.
- (c) Copies of traffic collision reports except to those authorized pursuant to Minn. Stat. § 169.09 Subd. 13.
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (e) Information pertaining to pending litigation involving this office.
- (f) Information that uniquely describes stolen, lost, confiscated or recovered property (Minn. Stat. § 13.82 Subd. 20).
- (g) Any information that is otherwise privileged or restricted under state or federal law.



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|                  |                                       |
|------------------|---------------------------------------|
| Document Number: | <b>348</b>                            |
| Document Name:   | <b>Court Appearance and Subpoenas</b> |
| Effective Date:  | <i>December 27, 2017</i>              |
| Document Status: | <i>Approved</i>                       |

**348.1 PURPOSE AND SCOPE**

This procedure has been established to provide for the acceptance of subpoenas and court orders and to ensure that employees appear in court when requested and present a professional appearance.

**348.1.1 DEFINITIONS**

**Court Order** – An order issued by a court or judge directing a party or participant in a case to take a certain action.

**Mandatory Appearance** - Subpoenas and court orders requiring an employee's physical appearance in a specific courthouse/courtroom on a specific date and time unless advised by the order or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

**On Call** - When an employee has appeared in court, or is at the time on-duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager if called back.

**Subpoena** – a writ ordering a person to appear in court as a witness.

**Standby** - When an employee receives a subpoena or court order of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

**348.2 COURT SUBPOENAS**

Employees who receive subpoenas or court orders related to their employment with this office are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and orders. Employees must cooperate to ensure the successful conclusion of a case (Minn. R. Crim. Proc. Rule 22 and Minn. R. Civ. Proc. Rule 45).

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### **348.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT ORDERS**

Service of a subpoena or court order requiring the appearance of any employee in connection with a matter arising out of the course and scope of the employee's official duties may be accomplished by:

- (a) Personally delivering a copy of the subpoena to the employee;
- (b) Delivering a copy of the subpoena to the Division designee.
- (c) Reading the subpoena in the hearing or case where the deputy is present.
- (d) Electronically transmitting a copy of the subpoena to the deputy requiring an acknowledgement of receipt.
- (e) Mail delivery requiring an acknowledgement of receipt.
- (f) Delivering a copy of the court order or subpoena from a prosecutor or other government attorney to the employee's work station or mail box. Employees shall check for delivery of such documents during each shift worked.

### **348.2.2 VALID SUBPOENAS**

No subpoena or court order shall be accepted for an employee of this office unless it has been properly served.

### **348.2.3 ACCEPTANCE OF SUBPOENA**

- (a) Only the employee named in a subpoena may accept service. Such service may be performed by any Sheriff or officer of the State of Minnesota, or any person who is not a party and is 18 years of age or older. A subpoena must be served by delivering a copy to the witness and tendering to that person any fees required by law. If the witness is a party and is represented by an attorney of record in the proceeding, the subpoena may be served on the witness's attorney of record. Any employee accepting a subpoena shall immediately provide a copy of the subpoena to the Division/Unit designee. They shall maintain a chronological log of all Office subpoenas.
- (b) Proof of service is by filing either:
  - 1. The witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena.
  - 2. A statement by the person who made the service stating the date, time, manner of service and the name of the person served.

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#### **348.2.4 REFUSAL OF SUBPOENA**

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, inform their on-duty supervisor of the expected absence. It shall then be the responsibility of the on-duty supervisor to notify the issuing authority of the employee's unavailability to appear.

In cases in which a government entity is not a party, if a subpoena is presented for service to an on-duty supervisor or Division/Unit designee less than five working days prior to the date listed for an appearance, the supervisor or Division/Unit designee should tell the process server to serve directly to the named witness. If the named witness is not on-duty, the supervisor must inform the process server of the next available duty dates the witness will be on-duty.

#### **348.2.5 COURT STANDBY**

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Office. Employees are required to notify the Office within 24 hours of any change in residence address or home telephone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes location during the day, the employee shall notify the on-duty supervisor and issuing authority of how they can be reached by telephone. Employees are required to remain on standby each day court is in session. In a criminal case, the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

#### **348.2.6 OFF-DUTY RELATED SUBPOENAS**

Employees who are properly served subpoenas for actions taken off-duty and not related to their employment with the Office shall comply with the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through the employee's on-duty supervisor.

#### **348.2.7 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.

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### **348.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY**

The Office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreement. In such situations, the Office will also reimburse any employee for reasonable and necessary travel expenses.

Except when acting as a witness for a government party, the Office will receive reimbursement for the employee's compensation through the civil attorney of record who called the employee as a witness. Any reimbursement received directly by the employee shall be promptly turned over to the Office.

#### **348.3.1 PROCEDURE**

To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Office's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

#### **348.3.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the employee or Office is not a party without properly posted fees pursuant to applicable law.

#### **348.3.3 PARTY MUST DEPOSIT FUNDS**

A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.

### **348.4 OVERTIME APPEARANCES**

If the employee appeared on their off-duty time, they will be compensated in accordance with the current collective bargaining agreement.

### **348.5 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

#### **348.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed employee shall request a copy of relevant

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reports and become familiar with their content in order to be prepared for court.

### **348.5.2 COURTROOM ATTIRE**

Employees shall dress in uniform or business attire. Suitable business attire for male employees consists of a coat, tie and dress pants. Suitable business attire for female employees consists of a dress jacket, dress blouse and skirt or slacks.

### **348.6 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

### **348.7 TESTIFYING AGAINST THE INTEREST OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than the State of Minnesota, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify the on-duty supervisor without delay. The on-duty supervisor will then notify the Sheriff or designee and County Attorney's Office as may be indicated by the case.

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

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.



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Document Number: **352**  
Document Name: **Mutual Aid and Outside Agency Assistance**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**352.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance to deputies in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this office to provide assistance whenever reasonably possible, in accordance with the applicable laws of arrest and detention policies of this office, when another law enforcement agency requests assistance with an arrest or detention of any person. This office may also request an outside agency to provide assistance.

The Office may, at the discretion of the Sheriff or designee, establish an agreement with another agency to (Minn. Stat. § 626.76 Subd. 1):

- (a) Assist other peace officers in the line of their duty and within the course of their employment.
- (b) Exchange Office peace officers with peace officers of another agency on a temporary basis.

**352.1.1 ASSISTING OUTSIDE AGENCIES**

Generally, calls for assistance from other agencies are received via radio transmission. Certain calls for assistance may require supervisor approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76 Subd. 1 exists.

When an authorized employee of an outside agency requests the assistance of this office available deputies shall respond and assist. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor, if necessary. Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this office provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Office personnel.

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### **352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES**

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of their intentions, except in those situations where the employee or another is in imminent danger and there is an immediate need for assistance.

### **352.1.3 CONTRACT REQUIREMENTS**

Before providing law enforcement services to a municipality, other than general or immediate assistance, a contract must be entered between the County and the municipality. Such contracts may be entered when the Sheriff or designee determines that they are in the interest of public safety and when the Sheriff or designee is able to offer cost-effective law enforcement services to the municipality.

A written contract shall govern all law enforcement services provided to another municipality by the Office. The County Attorney Attorney's Office shall review the contract annually during the contract period to assure compliance with its terms.

### **352.1.4 CONTRACT PROVISIONS**

All law enforcement service contracts shall address the following issues:

- Purpose and the services provided.
- Cost of services including financial arrangements.
- Significant dates or timelines.
- Amendment procedures.
- Liability.
- Access to and use of facilities and equipment.
- Distribution and disposition of forfeited properties.
- Record maintenance and data practices administration.
- Other relevant issues.

Officers acting pursuant to an agreement shall comply with the peace officer training and licensing requirements including but not limited to those set forth in Minn. Stat. § 471.59.

### **352.1.5 ESSENTIAL PROVISIONS**

All law enforcement service contracts shall assure the following:

- Controlling authority related to personnel issues shall remain with the service provider.
- Personnel rights under collective bargaining agreements shall not be abridged.

## **352.2 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID**

The Minnesota Department of Health All-Hazards Response and Recovery Base Plan



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identifies on-scene command and control responsibilities when an incident occurs (<http://www.health.state.mn.us/oep/plans/allhazardsbase.pdf>). The Incident Commander is charged with making an immediate appraisal of the situation and its potential in compliance with mutual aid response guidelines. The All-Hazards Response and Recovery Base Plan base elements recommend that responders should:

- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination. Isolate incident and identify zones of activity.
- Contain the incident without risking exposure.
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the County Emergency Plan Manual.
- Seek additional appropriate resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Office should clarify if it is requesting assistance only or complete scene management.

Deputies should contact the Minnesota Pollution Control Agency's (MPCA) Emergency Response Team (ERT) Duty Officer to request assistance at hazardous material emergencies (800-422-0798 or 651-649-5451).

### **352.3 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to Sheriff's Communications Division and the all appropriate personnel to ensure proper use in compliance with agreements.



Document Number: **356**  
Document Name: **Registered Predatory Offender**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**356.1 PURPOSE AND SCOPE**

This policy establishes guidelines by which the HCSO will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

**356.2 POLICY**

It is the policy of the Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

**356.3 REGISTRATION**

The Investigations Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two days. Updated primary address information from any registered predatory offender shall also be forwarded within two days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

**356.3.1 REGISTRATION PROCESS**

When an offender arrives to register with this Office, the assigned investigator should:

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- (a) Determine in what state the offense was committed.
  - (b) Confirm the individual is required to register by reviewing the list of offenses on the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual.
  - (c) If a person is required to register, contact BCA to verify whether the offender is already registered and a DNA sample has been submitted.
  - (d) If the offender is already registered, complete a Change of Information Form (available at BCA's website).
  - (e) If the offender is not registered, complete a Predatory Offender Registration Form (available at BCA's website).
  - (f) If the offender is from another state, contact the state (information for each state is listed on BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit at (651) 793-7070 or 888-234-1248, or through the BCA website. <https://por.state.mn.us/Home.aspx>

#### **356.4 MONITORING OF REGISTERED OFFENDERS**

The Investigations Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with their registration requirements after the initial registration. Any discrepancies should be reported to the BCA. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the Department of Corrections website. <https://coms.doc.state.mn.us/PublicViewer>
- (c) Contact with a registrant's parole or probation officer.

The Investigations Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Office personnel, including timely updates regarding new or relocated registrants.

#### **356.5 DISSEMINATION OF PUBLIC INFORMATION**

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff or designee if warranted. A determination will be made by the Sheriff or designee, with the assistance of legal counsel as

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necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Department of Corrections website (<https://coms.doc.state.mn.us/PublicViewer>) or the Office's website.

The Records Manager shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

### **356.5.1 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) Other cautionary notices included in the Minnesota Department of Correction's (DOC) material for public recipients.

### **356.5.2 MANDATORY DISSEMINATION**

The Office shall provide and release all predatory offender data, or updated data, obtained from BCA or the DOC based upon the offender's status of a Level 1, 2 or 3.

The Office shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving inpatient care shall be made by this Office (Minn. Stat. § 244.052 Subd. 4c).

### **356.5.3 LEVEL 1 DISCLOSURE**

Data maintained by law enforcement may be subject to limited disclosure (refer to the BCA document ["Confidential Fact Sheet - For Law Enforcement Agency Use Only"](#)):

- (a) Mandatory disclosure:
  - 1. Victims who have requested disclosure
  - 2. Adult members of the offender's immediate household

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- (b) Discretionary disclosure:
1. Other witnesses or victims
  2. Other law enforcement agencies

#### **356.5.4 LEVEL 2 DISCLOSURE**

Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (refer to BCA document [“Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2”](#)):

- (a) In addition to Level 1 disclosure, the Office may disclose data to:
1. Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
  2. Individuals likely to be victimized by the offender.
- (b) Discretionary notification must be based on the offender’s pattern of offending or victim preference as documented by DOC or the Minnesota Department of Human Services (DHS).

#### **356.5.5 LEVEL 3 DISCLOSURE**

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (refer to the BCA document [“Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota”](#)):

- (a) The Office shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.
- (b) The Office shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
- (c) A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- (d) The process of notification is determined by this Office. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary data. Assistance is available from DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to DOC within 48 hours of dissemination (Minn. Stat. § 244.052 Subd. 4 (g)).

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### 356.5.6

### HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in this jurisdiction, this Office shall provide a fact sheet to the facility administrator with the following data (refer to the BCA documents, [“Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents”](#) and [“Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents”](#)):

- (a) Name and physical description of the offender
- (b) Offender’s conviction history, including the dates of conviction
- (c) Risk level assigned to the offender, if any
- (d) Profile of likely victims

### 356.5.7

### SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification:

- (a) If this Office learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Office must contact DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this Office whether to proceed with community notification in accordance with the level assigned by the other state.
- (b) If DOC determines that the governing law in the other state is not comparable, community notification by this Office may be made consistent with that authorized for risk Level 2.
- (c) If this Office believes that a risk level assessment is needed, the Office may request an end-of-confinement review. The Office shall provide to DOC the necessary documents required to assess a person for a risk level.

### 356.5.8

### VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Office shall provide victims who have requested notification with data that is relevant and necessary to protect the victim.

The DOC will provide victim contact data to this Office when there is a victim who has requested notification (refer to the BCA document [“Victim Data Confidential for Law Enforcement Agency Use Only”](#)).

It may be appropriate for members of the Office to directly contact the victim.

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Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Office may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

### **356.5.9 HOMELESS NOTIFICATION PROCESS**

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement.

### **356.5.10 LIMITATIONS OF RELEASE OF DATA**

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).

## **356.6 ATTACHMENTS**

See below for sample forms.

date

Attachment 1

**CONFIDENTIAL**  
**Fact Sheet**  
**Law Enforcement Agency Use Only**  
*Not for Use in Public Notification*

The individual who appears on this notification is subject to registration as a predatory offender under *Minnesota Statutes* 243.166 or 243.167. In addition, this individual is subject to community notification under *Minnesota Statute* 244.052.

The following information is for law enforcement use only.

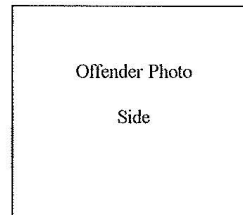
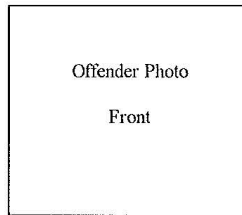
**RISK LEVEL ASSIGNED:** 1 (01/02/2005)

**JOHN SMITH**

**DOB:** 03/04/1952

**OID:**456456

Race: White                      Hispanic: No  
Height: 5'06                      Eyes: Hazel  
Weight: 175 lbs                      Hair: Brown  
Complexion: Medium                      Build: Medium



Registration statute(s): 609.342 (2006)

Investigating agency: Anytown Police Department

Incarceration date: 05/06/2007

Release date: 06/07/2008

Supervision expiration date: 09/10/2011

Supervision agent: Judy Jones at 651-123-4567

Offense: Offender engaged in sexual contact with victim (female, age 16). Contact included penetration. Offender gained access to victim in a public place. Force was used to gain compliance. Offender was not known to victim.

Other offense(s) and/or behavior(s): Offender has a history of chemical dependency.

Revocation/New conviction information: 04/05/2006 due to contact with minors

Special release conditions: Complete sex offender programming; Must not obtain prescription for drugs to improve sexual function; No purchase/possession of sexually explicit materials nor enter establishment with sexual entertainment as primary business; No direct/indirect contact with minors; Must not own/operate device with Internet capabilities or call sex/chat/dating/social lines; No use of media to solicit personal contact; Comply with chemical dependency programming; Maintain full-time work/education/treatment.

Address: 1234 Main Street, Anytown Police Department

Date of address change: 08/09/2010

If you have any questions regarding this information or the policies regarding the notification statutes please contact:  
Community Notification Information at 651-361-7340, toll free 866-396-9953 or email [notification.doc@state.mn.us](mailto:notification.doc@state.mn.us)  
Minnesota Department of Corrections



date

Attachment 2

Anytown Police Department

FACT SHEET

NOTIFICATION OF RELEASE IN MINNESOTA

RISK LEVEL TWO

In addition to level one notification (other law enforcement agencies, any victims of, or witnesses to, the offense committed by the offender), law enforcement may notify staff members of public and private educational institutions, day care establishments and establishments and organizations that primarily serve individuals likely to be victimized by the offender.

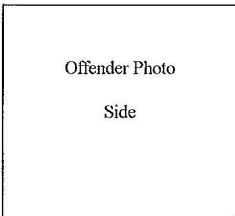
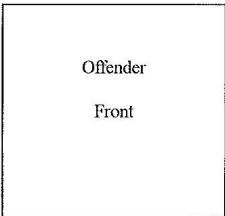
The Anytown Police Department is available to provide you with useful information on personal safety. The Anytown Police Department may be reached at 612-234-4567. To report criminal activity by this offender or any other individual, please call 911.

JOHN DOE

DOB: 01/02/1993

OID: 234234

Race: White Hispanic: No
Height: 5'09" Eyes: Hazel
Weight: 165 lbs Hair: Brown
Complexion: Medium Build: Medium



Registration statute(s): 609.342

Investigating agency: Anytown Police Department

Release date: 01/02/2009

Supervision agent: George Jones 612-234-4567

Offense: Offender engaged in sexual contact with victim. Contact included penetration. Offender was known to victim.

Address: 400 Block of Main Street, Anytown, MN 54321

Date of address change: 01/02/2009

The Anytown Police Department is releasing this information pursuant to Minnesota Statutes 244.052. This statute authorizes law enforcement agencies to inform the public of a sexual or predatory offender's release from prison or a secure treatment facility when the Anytown Police Department believes that the release of information will enhance public safety and protection.

The individual who appears on this notification has been convicted of Criminal Sexual Conduct or another offense that requires registration with law enforcement pursuant to Minnesota Statutes 243.166 or 243.167.

This offender is not wanted by the police at this time and has served the sentence imposed on him/her by the court. This notification is not intended to increase fear in the community. Law enforcement believes that an informed public is a safer public.

The Anytown Police Department, the supervising release agent, and the Minnesota Department of Corrections may NOT direct where the offender does or does not reside, nor can these agencies direct where he/she works or goes to school. The risk level of this offender has been determined based largely on his/her potential to re-offend based on his/her previous criminal behavior.

Convicted sexual and predatory offenders have always been released to live in our communities. It was not until the passage of the Registration Act that law enforcement had an ability track the movement of these offenders after their initial release. With the passage of the Community Notification Act law enforcement may now share information about many of these offenders with the public. Abuse of this information to threaten, harass or intimidate a registered offender is unacceptable and such acts could be charged as a crime. Such abuses could potentially end the ability of law enforcement to provide these notifications. If community notification ends the only person who wins is the offender. Many of these offenders derive their power from the opportunity that secrecy provides.

# Anytown Police Department

## FACT SHEET

### NOTIFICATION OF RELEASE IN MINNESOTA

**RISK LEVEL THREE** In addition to level two notification (schools and daycares as well as establishments and Organizations that primarily serve individuals likely to be victimized by the offender), law enforcement may notify other members of the community whom the offender is likely to encounter.

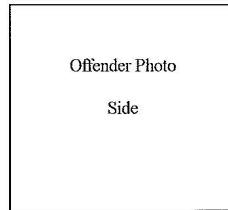
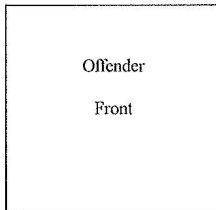
The *Anytown Police Department* is available to provide you with useful information on personal safety. The *Anytown Police Department* may be reached at 612-234-4567. To report criminal activity by this offender or any other individual, please call 911.

**JOHN DOE**

**DOB: 01/02/1993**

**OID: 234234**

Race: White                      Hispanic: No  
Height: 5'09"                    Eyes: Hazel  
Weight: 165 lbs                 Hair: Brown  
Complexion: Medium         Build: Medium



Registration statute(s): 609.342

Investigating agency: Anytown Police Department

Release date: 01/02/2009

Supervision agent: George Jones 612-234-4567

Offense: Offender engaged in sexual contact with victim. Contact included penetration. Force was used to gain compliance. Offender was not known to victim.

Address: 400 Block of Main Street, Anytown, MN 54321

Date of address change: 01/02/2009

The *Anytown Police Department* is releasing this information pursuant to Minnesota Statutes 244.052. This statute authorizes law enforcement agencies to inform the public of a sexual or predatory offender's release from prison or a secure treatment facility when the *Anytown Police Department* believes that the release of information will enhance public safety and protection.

The individual who appears on this notification has been convicted of Criminal Sexual Conduct or another offense that requires registration with law enforcement pursuant to Minnesota Statutes 243.166 or 243.167.

This offender is *not wanted by the police* at this time and *has served the sentence* imposed on him/her by the court. This notification is not intended to increase fear in the community. Law enforcement believes that an informed public is a safer public.

The *Anytown Police Department*, the supervising release agent, and the Minnesota Department of Corrections may NOT direct where the offender does or does not reside, nor can these agencies direct where he/she works or goes to school. The risk level of this offender has been determined based largely on his/her potential to re-offend based on his/her previous criminal behavior.

Convicted sexual and predatory offenders have always been released to live in our communities. It was not until the passage of the Registration Act that law enforcement had an ability track the movement of these offenders after their initial release. With the passage of the Community Notification Act law enforcement may now share information about many of these offenders with the public. Abuse of this information to threaten, harass or intimidate a registered offender is unacceptable and such acts could be charged as a crime. Such abuses could potentially end the ability of law enforcement to provide these notifications. If community notification ends the only person who wins is the offender. Many of these offenders derive their power from the opportunity that secrecy provides.

***Anytown Police Department***  
***FACT SHEET***

**Health Care Facility Notification**  
**Information on a Registered Offender**  
**Not for Distribution**

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**RISK LEVEL NONE Classification**

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The *Anytown Police Department* is available to provide you with useful information on personal safety. The *Anytown Police Department* may be reached at 612-555-1515. To report criminal activity by this offender or any other individual, please call 911.

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**Name: JOHN DOE**

Current Age: 26

Race: White                      Hispanic: No

Height: 5'10"                      Eyes: Blue

Weight: 200 lbs.                      Hair: Black

Complexion: Medium                      Build: Small

Conviction History: 1 Count of 1st Degree Criminal Sexual Contact (1999)

Investigating agency: Hamilton Police Department

Victim Profile: Female, age 14, Offender was previously known to victim.

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The Law Enforcement Agency is providing this information pursuant to Minnesota Statutes 243.166 Subd. 4b. This statute provides for the distribution of information by facility administration to facility residents on registered offenders with an assigned risk level.

***Anytown Police Department***  
***FACT SHEET***

**Health Care Facility Notification  
Information on a Registered Offender  
For Distribution to Facility Residents**

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**RISK LEVEL ONE Classification**

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The *Anytown Police Department* is available to provide you with useful information on personal safety. The *Anytown Police Department* may be reached at 612-555-1515. To report criminal activity by this offender or any other individual, please call 911.

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**Name: JOHN SMITH**

Current Age: 26

Race: White                      Hispanic: No

Height: 5'10"                      Eyes: Blue

Weight: 200 lbs.                      Hair: Black

Complexion: Medium                      Build: Small

Conviction History: 1 Count of 1st Degree Criminal Sexual Contact (1999)

Investigating agency: Hamilton Police Department

Victim Profile: Female, age 14, Offender was previously known to victim.

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The Law Enforcement Agency is providing this information pursuant to Minnesota Statutes 243.166 Subd. 4b. This statute provides for the distribution of information by facility administration to facility residents on registered offenders with an assigned risk level.



**VICTIM DATA**  
**CONFIDENTIAL**

*Law Enforcement Use Only*

Law enforcement agencies in the area where a predatory offender resides, expects to reside, is employed, or is regularly found shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness. (*Mn. Stat. 244.052, subd. 4*). The data on this form is confidential (*Mn. Stat. 13.85, subd. 3*). It is being released to your agency to assist you in satisfying this requirement.

Offender Name: JONES, John  
OID Number: 234234  
Risk Level: 1  
Date of Release/Address Change: 01/02/2008

- The Department of Corrections **DOES NOT HAVE** a current request for victim notification at this time.
- The Department of Corrections **DOES HAVE** a request for notification on this offender. Please find the information needed to contact the victim below:

Victim Name: Jane Doe  
Street Address: 123 Main Street  
City/State/Zip: Anytown, MN 12345  
Phone number: \_\_\_\_\_ Alternate number: \_\_\_\_\_  
Email address: \_\_\_\_\_

Date: 01/02/2009

If this information is no longer valid, please contact

Minnesota Department of Corrections Victim Assistance Program  
1450 Energy Park Drive, Suite 200, Saint Paul, MN 55108  
1-800-657-3830  
[victimassistance@state.mn.us](mailto:victimassistance@state.mn.us)

205.2201 11/2008



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|                  |                                 |
|------------------|---------------------------------|
| Document Number: | <b>359</b>                      |
| Document Name:   | <b>Firearm Injury Reporting</b> |
| Effective Date:  | <i>August 1, 2015</i>           |
| Document Status: | <i>Approved</i>                 |

### **359.1 PURPOSE AND SCOPE**

Investigation of cases involving firearm injuries is important to the State of Minnesota and the safety of the public. Some causes of firearm injuries may not be readily apparent and some cases differ substantially from what they appeared to be initially. The Office takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

### **359.2 INVESTIGATION**

All bullet wounds, gunshot wounds, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall be thoroughly investigated by this office upon receipt of any report made pursuant to Minn. Stat. § 626.52 Subd. 2 or that otherwise is reported to the Office.

Information or reports received from health care professionals shall also be investigated but the identity of the reporter shall remain confidential (Minn. Stat. § 626.53 Subd. 1).

Employees investigating firearm injuries should contact a supervisor as soon as reasonably possible if further guidance or additional resources are necessary. All reports or investigations under this section shall be forwarded to the Commissioner of the Department of Health (Minn. Stat. § 626.53 Subd. 2).

### **359.3 HUNTING OR SPORT SHOOTING INJURIES**

When investigating a firearm injury, the handling employee shall determine the general cause of the wound, and upon determining that the wound was caused by an action connected with hunting or sport shooting, shall immediately conduct a detailed investigation into the facts surrounding the incident (Minn. Stat. § 626.553 Subd. 1).

The handling employee shall complete all necessary reports, plus the form provided by the Commissioner of Natural Resources for this purpose.

All reports or investigations under this section, including injuries from deputy conduct, shall be forwarded to the Commissioner of Natural Resources (Minn. Stat. § 626.553 Subd. 1).



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|                  |                             |
|------------------|-----------------------------|
| Document Number: | <b>360</b>                  |
| Document Name:   | <b>Death Investigations</b> |
| Effective Date:  | <i>August 1, 2015</i>       |
| Document Status: | <i>Approved</i>             |

**360.1 PURPOSE AND SCOPE**

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

**360.2 INVESTIGATION CONSIDERATIONS**

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Peace officers are not authorized to pronounce death unless they are also Medical Examiners or deputy coroners. A supervisor shall be notified in all death investigations.

**360.2.1 SEARCHING DEAD BODIES**

The Medical Examiner or their assistants and authorized investigators are generally the only persons permitted to move, handle or search a body known to be dead (Minn. Stat. § 390.221).

An officer shall make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal. If a donor document is located, the Medical Examiner shall be promptly notified (Minn. Stat. § 525A.12).

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner.

The Medical Examiner is required to release property or articles to law enforcement that are necessary for conducting an investigation unless reasonable basis exists pursuant to Minn. Stat. § 390.225 Subd. 2 to not release the property or articles (Minn. Stat. § 390.221).

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Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Medical Examiner.

### **360.2.2 DEATH NOTIFICATION**

Should a human death result from a fire, this department shall immediately notify the state fire marshal or the city's chief officer (Minn. Stat. § 299F.04 Subd. 5 (b)).

When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

### **360.2.3 DEATH INVESTIGATION REPORTING**

All incidents involving a death shall be documented on the appropriate form.

### **360.2.4 SUSPECTED HOMICIDE**

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the integrity of the scene (e.g., absent safety concerns, not moving or manipulating the body). The Investigative Division shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

The investigator of a homicide or suspicious-circumstances death may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests and provide a report with the costs borne by the Department (Minn. Stat. § 390.251).





Document Number: **362**  
Document Name: **Identity Theft**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**362.1 PURPOSE AND SCOPE**

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

**362.2 ACCEPTANCE OF REPORTS**

A report shall be taken any time a person living within the jurisdiction of the Office reports that they have been a victim of identity theft (Minn. Stat. §609.527 Subd. 5). This includes:

- (a) Taking a report even if the location of the crime is outside the jurisdiction of this office or has not been determined.
- (b) Providing the victim with office information, as set forth in the Victim and Witness Assistance Policy. Deputies should encourage the individual to review the material, and assist with any questions.

A report shall also be taken if a person living outside the office jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Hennepin County to facilitate the crime).

**362.3 FOLLOW-UP INVESTIGATION**

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this office should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for office use.

**362.4 ADDITIONAL RESPONSIBILITIES**

- (a) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

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- (b) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.
  - (c) Following supervisory review and Office processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

### **362.5 PREVENTATIVE MEASURES**

The victim should be advised to place a security freeze on their consumer report as allowed by law (Minn. Stat. § 13C.016 Subd. 2). A victim may also access <http://www.ag.state.mn.us> for additional detailed information.

### **362.6 VICTIM DATA**

The victim may be provided the Consent to Create an FBI Identity Theft File Form and a Notice about Providing Your Social Security Number. An employee who receives these completed forms from a victim should complete a BCA ID Theft Security Information Declaration form. These completed forms should be submitted to the Investigative Division for appropriate filing and entry into the NCIC Identity Theft File. Forms and details are available on the BCA identity theft website at <http://www.bca.state.mn.us/IdentityTheft.html>.

### **362.7 INFORMATION**

The victim should also be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at <http://ftc.gov>, [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft) or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice (USDOJ) website, <http://www.usdoj.gov>.



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|------------------|--------------------------------|
| Document Number: | <b>364</b>                     |
| Document Name:   | <b>Private Persons Arrests</b> |
| Effective Date:  | <i>August 1, 2015</i>          |
| Document Status: | <i>Approved</i>                |

**364.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Minn. Stat. § 629.30 Subd. 2 (4).

**364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS**

All officers shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.
- (c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (Minn. Stat. § 629.39).

**364.3 ARRESTS BY PRIVATE PERSONS**

A private person may arrest another under the following circumstances (Minn. Stat. § 629.37):

- (a) For a public offense committed or attempted in his/her presence.
- (b) When the person arrested has committed a felony, although not in his/her presence.
- (c) When a felony has been committed and he/she has reasonable cause for believing the person to be arrested committed the felony.
- (d) When directed by a judge or a peace officer to arrest another person (Minn. Stat. § 629.403).

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## 364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

## 364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign an Office Citizen's Arrest Form. If the person fails or refuses to do so the arrest subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the Citizen's Arrest Form (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.



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|------------------|---|
| Document Number: | <b>368</b>                                  |
| Document Name:   | <b>Limited English Proficiency Services</b> |
| Effective Date:  | <i>August 1, 2015</i>                       |
| Document Status: | <i>Approved</i>                             |

### 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English Proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations. This includes individuals who, because of difficulty in speaking or comprehending the English language, cannot fully understand any charges made against them, the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

**Qualified bilingual member** - A member of the office or County, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 368.2 POLICY

It is the policy of the Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its

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members.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### **368.3 LEP COORDINATOR**

The Sheriff shall delegate certain responsibilities to a LEP Coordinator. The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and communications supervisor. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Office to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding office LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

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#### **368.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **368.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **368.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **368.7 AUDIO RECORDINGS**

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

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## **368.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

## **368.9 AUTHORIZED INTERPRETERS**

Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

### **368.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures. Other sources may include:



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- Qualified bilingual members of this office or personnel from other City/County departments.
  - Individuals employed exclusively to perform interpretation services.
  - Contracted in-person interpreters, such as state or federal court interpreters, among others.
  - Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines

### **368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### **368.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

### **368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Office will take reasonable steps and will work with County Human Resources to develop

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in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

### **368.11.1 EMERGENCY CALLS TO 911**

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

### **368.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### **368.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis

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for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

### **368.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **368.14.1 OTHER TIMING AND NOTIFICATION MANDATES**

The investigating or arresting deputy shall immediately make necessary contacts to get an authorized interpreter for an in-custody LEP person at the earliest possible time in order to assist the person throughout the interrogation or taking of a statement. This applies even when the interrogation will be conducted by a bilingual member (Minn. Stat. § 611.32).

The following shall be explained to the LEP person with the assistance of the authorized interpreter (Minn. Stat. § 611.32):

- (a) All charges filed against the person

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- (b) All procedures relating to the person's detainment and release
  - (c) In the case of any seizure under the provisions of the Asset Forfeiture Policy:
    - 1. The possible consequences of the seizure
    - 2. The person's right to judicial review

### **368.14.2 OATH**

Every authorized interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody LEP person (Minn. Stat. § 611.33):

"I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

### **368.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### **368.16 COMPLAINTS**

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator. Investigations into such complaints shall be handled in accordance with the Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language accessible manner.

### **368.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue

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to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

**368.18      TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.



Document Number: **370**  
Document Name: **Communications with Persons with Disabilities**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**370.1 PURPOSE AND SCOPE**

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind or may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq., it is therefore the policy of this office to take all reasonable steps to accommodate such individuals in any law enforcement contact.

**370.1.1 DEFINITIONS**

Definitions related to this policy include:

**Auxiliary aids** - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

**Deaf or hard of hearing** - An individual who has or is regarded as having substantially limited hearing with or without assistance. This includes those who, because of a hearing or other communication disorder, cannot fully understand any charges made against them, the seizure of their property or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

**Qualified Interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

**370.2 POLICY**

It is the policy of the Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services,

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programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### **370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR**

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by and directly responsible to the Sheriff, Chief or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the Hennepin County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to office services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Division/Unit Commander and communications supervisor. The list should include information regarding the following: Contact information Availability Type of services provided
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities

### **370.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members

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should ask the individual to communicate back or otherwise demonstrate their understanding.

- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However in an emergency availability may factor into the type of aid used.

### **370.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation when a member knows or suspects an individual requires assistance to effectively communicate the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include for example exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Hennepin County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.



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## **370.6 TYPES OF ASSISTANCE AVAILABLE**

Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

## **370.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

## **370.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available by some means, even remotely, within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide

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his/her own interpreter (28 CFR 35.160).

### **370.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time as needed for effective communication due to the slower nature of TTY and TDD communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### **370.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist approved community volunteers who have demonstrated competence may be called upon when appropriate. However office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **370.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

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## **370.12 REPORTING**

Whenever any member of this office is required to complete a report or other documentation and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

## **370.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Office recognizes it would be virtually impossible to provide immediate access to complete communication services to every member of this office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

### **370.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.

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- (c) Verbal communication with an individual who can speech read by facing the individual and speaking slowly and clearly.
  - (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
  - (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

### **370.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, as with all custodial interviews, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **370.14.1 OTHER TIMING AND NOTIFICATION MANDATES**

The investigating or arresting deputy shall immediately make necessary contacts to get a qualified interpreter for a person in custody at the earliest possible time (Minn. Stat. § 611.32).

The following shall be explained with the assistance of the qualified interpreter (Minn. Stat. § 611.32):

- (a) All charges filed against the person
- (b) All procedures relating to the person's detainment and release
- (c) In the case of any seizure under the Asset Forfeiture Policy:
  - 1. The possible consequences of the seizure
  - 2. The person's right to judicial review

#### **370.14.2 OATH**

Every qualified interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody deaf or hard of hearing person (Minn. Stat. § 611.33):

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“I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place.”

### **370.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

### **370.16 COMPLAINTS**

The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Internal Affairs Unit.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Office.

### **370.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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## **370.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Office will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Lieutenant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### **370.18.1 CALL-TAKER TRAINING**

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Communications Division members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months



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| Document Number: | <b>372</b>                              |
| Document Name:   | <b>School Employee Arrest Reporting</b> |
| Effective Date:  | <i>August 1, 2015</i>                   |
| Document Status: | <i>Approved</i>                         |

### **372.1 PURPOSE AND SCOPE**

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher and non-teacher, has been arrested under certain circumstances.

### **372.2 SCHOOL EMPLOYEE ARREST REPORTING**

In the event a school employee is arrested for any controlled substance offense, a felony involving moral turpitude, child abuse or sexual abuse offense, the Sheriff or designee should report the arrest as follows:

#### **372.2.1 ARREST OF PUBLIC SCHOOL TEACHER**

Upon arrest for one of the above crimes, the Sheriff or designee should notify the superintendent of the school district employing the teacher and give written notice of the arrest to the superintendent of schools in the county where the person is employed.

#### **372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE**

Upon arrest for one of the above crimes, the Sheriff or designee should notify the superintendent of the school district employing the non-teacher and give written notice of the arrest to the governing board of the school district employing the person.

#### **372.2.3 ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE TEACHER**

Upon arrest for one of the above crimes, the Sheriff or designee should notify the private school or licensed day-care authority employing the teacher and give notice of the arrest to the private school authority employing the teacher.

#### **372.2.4 ARREST OF PRIVATE SCHOOL OR LICENSED DAY CARE EMPLOYEE**

Upon arrest for one of the above crimes, the Sheriff or designee should notify the private school or licensed day-care authority employing the non-teacher and give notice of the arrest to the private school authority employing the person.



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| Document Number: | <b>373</b>                    |
| Document Name:   | <b>Pupil Arrest Reporting</b> |
| Effective Date:  | <i>August 1, 2015</i>         |
| Document Status: | <i>Approved</i>               |

**373.1 PURPOSE AND SCOPE**

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

**373.2 PUPIL ARREST REPORTING**

In the event a school pupil is arrested, the arresting deputy must notify their immediate supervisor and the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest. Included in this notification must be all necessary information regarding the circumstances surrounding the arrest.

If there is probable cause to believe an incident involved alcohol, tobacco or a controlled substance, the arresting deputy shall complete the appropriate form and submit the form with the report to the administrative staff of the Enforcement Services Division. This form must be distributed to the chemical abuse pre-assessment team in the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

**373.2.1 PUPIL ARREST AFTER NOTIFICATION**

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

**373.2.2 PUPIL ARREST BEFORE NOTIFICATION**

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.



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### 373.2.3

### PARENTAL NOTIFICATION

Upon arrest, it is the arresting deputy's responsibility to ensure the parents of the arrested pupil are properly notified at the earliest possible time after the arrest. Notifications should be documented and include the charges against the pupil and where the pupil is located. This will allow the parent(s) the opportunity to respond to the location.



Document Number: **380**  
Document Name: **Child and Dependent Adult Safety**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**380.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse and Abuse of Vulnerable Adults policies.

**380.2 POLICY**

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Hennepin County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

**380.3 PROCEDURES DURING AN ARREST**

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult.

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Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

### **380.3.1 AFTER AN ARREST**

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults. Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 2. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify the county social services agency, if appropriate.
- (d) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

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### **380.3.2 DURING THE BOOKING PROCESS**

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

### **380.3.3 REPORTING**

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:

1. Name
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed

(b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

### **380.3.4 SUPPORT AND COUNSELING REFERRAL**

If, in the judgment of the handling [officers/deputies], the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

## **380.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should consider contacting the appropriate welfare service or other office-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175 ).

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Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

### **380.5            TRAINING**

The Employee Development Unit is responsible to ensure that all personnel of this office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.



Document Number: **382**  
Document Name: **Service Animal**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

### **382.1 PURPOSE AND SCOPE**

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Office recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of any animal that is individually trained to assist a person with a disability.

### **382.2 SERVICE ANIMALS**

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### **382.2.1 USE OF SERVICE ANIMALS**

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of the ways service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with

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traumatic brain injury to locate misplaced items or follow daily routines.

### **382.3 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Hennepin County Sheriff's Office affords to all members of the public (see generally Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

If an animal exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this office are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Office members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the Minnesota Department of Human Rights



Document Number: **384**  
Document Name: **Volunteer Program**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

### 384.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

#### 384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid Special Deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

#### 384.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Office volunteer include:

- (a) At least 21 years of age for all positions other than Explorer.
- (b) At least 14 years of age for Explorer.
- (c) A valid driver's license if the position requires vehicle operation.
- (d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (f) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
- (g) The applicant must not have any mental illness or chemical dependency condition that may adversely affects the person's ability to serve in the position.
- (h) Physical requirements reasonably appropriate to the assignment.
- (i) A personal background history and character suitable for a person representing the Office, as validated by a background investigation.

The Sheriff or designee may apply exceptions for eligibility based on organizational needs



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and the qualification of the individual.

## **384.2 VOLUNTEER MANAGEMENT**

### **384.2.1 VOLUNTEER COORDINATOR**

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Maintaining records for each volunteer.
- (c) Tracking and evaluating the contribution of volunteers.
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (e) Maintaining a record of volunteer schedules and work hours.
- (f) Completion and dissemination as appropriate of all necessary paperwork and information.
- (g) Planning periodic recognition events.
- (h) Administering discipline when warranted.
- (i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

### **384.2.2 RECRUITMENT**

Volunteers should be recruited on a continuous and ongoing basis in accordance with office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

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### **384.2.3                    SCREENING**

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check
- (b) Employment
- (c) References

A volunteer whose assignment requires the use of, access to or places them in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

### **384.2.4                    SELECTION AND PLACEMENT**

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until they have been officially accepted for that position and completed all necessary screening and paperwork. At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Office. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

### **384.2.5                    TRAINING**

Volunteers will be provided with an orientation program to acquaint them with the office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, Training may include:

- (a) Role of the volunteer.
- (b) Office policies.
- (c) Training specific to the procedure manual for the volunteer position.
- (d) Discrimination and harassment training.

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- (e) CPR and Basic Emergency Care
  - (f) CERT/Citizens Emergency Response Training.
  - (g) Search and rescue techniques.
  - (h) Scenario-based searching methods.
  - (i) Evidence preservation.
  - (j) Basic traffic direction and control.
  - (k) Roadway incursion safety.
  - (l) Self-defense techniques.
  - (m) Vehicle operations, including specialized vehicles.
  - (n) Horsemanship.

Pursuant to Minn. Stat. § 626.8466, the Office may establish training, licensing and continuing education requirements for its reserve deputies. Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer that they are licensed officers or other full-time members of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office. Whenever a rule, regulation or guideline in this manual refers to a licensed deputy, it shall also apply to a volunteer unless by its nature it is inapplicable

#### **384.2.6 FITNESS FOR DUTY**

No volunteer shall report to work or be on-duty when their judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

#### **384.2.7 DRESS CODE**

As representatives of the Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

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Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed deputies. No volunteer shall wear their uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

Refer to Office policies Uniform Regulations and Personal Appearance Standards.

### **384.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources

### **384.4 DATA PRACTICES**

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by office policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or

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divulge any information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

### **384.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

#### **384.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating an Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is operated during a POST-approved skills course; that it is being used to transport prisoners or equipment; or is being used to provide supplementary assistance under the direction of an on-duty licensed deputy (Minn. Stat. 169.98 Subd. 1b). Volunteers are not authorized to operate an Office vehicle under emergency conditions (lights and siren).

#### **384.5.2 RADIO AND MDC USAGE**

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

### **384.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or designee, or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment.

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Volunteers may resign from volunteer service with this office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### **384.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

#### **384.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly and to ensure optimum job satisfaction on the part of volunteers.

#### **384.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL**

In an effort to ensure an efficient and effective response in the event of an emergency call back, the ESD will maintain an Emergency Call Back List. The Emergency Call Back List should be updated as needed. The division will also maintain an Emergency Call Back Staffing Plan. This plan will detail the shift staffing needs of each unit to ensure that adequate personnel are available to effectively maintain operations in response to critical incidents, natural disasters, or other events. The Emergency call Back Staffing Plan should be reviewed and updated quarterly.

#### **384.9 NOTIFICATION PROCEDURE**

After consulting with Sheriff's Administration, the ESD Commander or designee, the Emergency Call Back Plan may be implemented. Notifications will be made through the divisional chain of command as outlined in the plan. Notifications should be made by both pager and telephone. A positive acknowledgement of the notification is required from each person notified.

Depending on the circumstances of the incident, a limited call back of only certain units or individuals may be initiated. In certain situations alert stages may be implemented at the discretion of the ESD Commander and/or Sheriff's Administration. Units or individuals that may need to respond to an incident may be placed on 'stand-by' status with an upgrade to 'respond' status when the circumstances dictate immediate action. Once contact is made, personnel should be informed of the nature of the incident, the location of the assembly area, the time they are required to report for duty, and any other relevant information.



Document Number: **386**  
Document Name: **Native American Graves Protection and Repatriation**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**386.1 PURPOSE AND SCOPE**

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC. 3001). The protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands while in the performance of duties is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

**386.2 DEFINITIONS**

Definitions related to NAGPRA include (43 CFR 10.2):

**Native American Human Remains** - The physical remains of the body of a person of Native American ancestry.

**Funerary Objects and Associated Funerary Objects** - Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains or that were made exclusively for burial purposes or to contain human remains.

**Sacred Objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

**Objects of Cultural Patrimony** - Items having ongoing historical, traditional or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member.

**386.3 COMPLIANCE WITH NAGPRA**

Upon discovery or arrival upon a scene where it reasonably appears a Native American grave, human remains, funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, employees shall secure the site in the same manner as a crime scene.

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All activity at the scene, other than scene preservation activity, must cease (43 CFR 10.4 et seq.).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene 43 CFR 10.4(d):

- Federal land - Appropriate agency at the U.S. Department of the Interior.
- Tribal land - Responsible Indian Tribal official.

### **386.4 EVIDENCE AND PROPERTY RELEASE**

If the scene has been investigated as a possible homicide prior to identification as a NAGPRA site, investigators shall work with other agencies and individuals to ensure the proper transfer and repatriation of material collected, photographs and other records to the appropriate agency or individual responsible for disposition of the site, and that any remains or artifacts are expediently processed (43 CFR 10.6).

### **386.5 BURIAL GROUNDS**

It is a declaration and statement of legislative intent that all human burials, human remains and human burial grounds shall be afforded equal treatment and respect for human dignity, without reference to ethnic origins, cultural backgrounds or religious affiliations (Minn. Stat. § 307.08 Subd. 1).

This office shall cooperate with other government agencies, the Minnesota Office of the State Archaeologist and the Minnesota Indian Affairs Council to carry out any provisions of state law (Minn. Stat. § 307.08 Subd. 9).





Document Number: **400**  
Document Name: **Enforcement Services Function**  
Effective Date: *August 28, 2017*  
Document Status: *Approved*

**400.1 PURPOSE AND SCOPE**

The purpose of this policy is to define the functions of the Enforcement Services Division (ESD) of the Office to ensure intra-organization cooperation and information sharing.

**400.1.1 FUNCTION**

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the County, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws and respond to emergencies 24 hours per day, seven days per week.

The ESD will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the ESD and other bureaus within the Office, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Warrant apprehension and service of civil process.

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## **400.1.2                   TERRORISM**

It is the goal of the Office to make every reasonable effort to accurately and appropriately gather and report any suspicious activity, and information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism-related reports are forwarded to the Criminal Information Sharing and Analysis Unit Supervisor and the Investigative Division Supervisor in a timely fashion.

## **400.2                    ESD INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various bureaus of the Office.

### **400.2.1                   CRIMINAL INFORMATION SHARING AND ANALYSIS UNIT**

The CISA Unit will be the central unit for information exchange. Criminal information and reports can be submitted to a CISA analyst for distribution to all bureaus within the Office through daily and special bulletins.

### **400.2.2                   CRIME REPORTS**

A crime report may be completed by any deputy who receives criminal information. The report will be processed and forwarded to the appropriate division/unit for retention or follow-up investigation.

### **400.2.3                   ESD BRIEFINGS**

ESD supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or deputies will be provided an opportunity to share information through briefings and/or the roll call book.

### **400.2.4                   INFORMATION**

Information will be maintained and available for review by deputies from all bureaus within the Office. These will include, but not be limited to wanted persons and legal updates.

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### 400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. An ESD supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.



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Document Number: **401**  
Document Name: **Transporting Procedures**  
Effective Date: *August 1, 2019*  
Document Status: *Approved*

**401.1 POLICY**

It shall be the policy of the Office to ensure the safety of Office personnel, the general public and inmates/patients while providing transport services.

**401.2 SEARCHES**

All inmates transported for a criminal justice or other court-ordered purpose shall be searched each time they come into the custody of a transporting deputy. All transport vehicles shall be searched for contraband prior to and after being used.

All vehicles shall receive a safety/equipment check prior to being placed in service.

**401.3 DOCUMENTATION**

Each person transported to or from a detention facility shall be:

- Properly identified.
- Accompanied by a proper authorization to transport.
- Accompanied by pertinent inmate/patient information.

**401.4 RESTRAINING DEVICES**

All inmates/patients transported by deputies for a lawful purpose shall be restrained and handcuffed consistent with Office training in the utilization of authorized restraint devices. The security risk of the inmate/patient shall be considered.

**401.5 FEMALE TRANSPORT SERVICES**

Female inmates transported to or from a DOC facility shall be accompanied by a female employee or a second male employee.

Female inmates/patients transported a distance of 100 miles or more shall have at least one female escort.

Deputies making a female arrest may transport or arrange transport for the arrestee to an appropriate detention facility.

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## 401.6 OTHER TRANSPORT SERVICES

Deputies transporting persons of the opposite sex or a juvenile for a criminal justice or other court-ordered purpose or as a law enforcement service shall notify the Sheriff's Communication Division of the:

- Type of transport (an adult male/female/juvenile transport).
- Beginning and ending location of the transport.
- Beginning and ending mileage on odometer.

The transport deputy shall create a record on their log sheet that includes:

- Inmate/patient name.
- Date of transport
- Beginning and ending time of transport
- Beginning and ending location of transport
- Beginning and ending mileage on odometer of transport vehicle

## 401.7 GENERAL TRANSPORTING PROCEDURES

Transporting deputies shall protect themselves, the general public and their passenger(s) by taking the following precautions:

- Deputies shall confirm that the prisoner's seat belt is securely fastened prior to being transported and documented accordingly in the transportation log.
- The transporting deputy shall not stop or respond to perform law enforcement services except when the situation is life threatening and the risk to the prisoner is minimal.
- The passenger's right to communicate with attorneys, clergy or his/her family shall not be exercised during the prisoner transport.
- Toilet facilities may be used at a location at the discretion of the transporting deputy. The passenger in custody shall remain in physical sight of the deputy during such stops.
- When a trip requires a meal stop, the location of the stop shall be at the discretion of the transporting deputy.
- Passenger property shall be transported when practical.

Deputies shall transport juvenile/female/male inmates in separate vehicles unless the vehicle is equipped with partitions which provide for physical separation by gender, as well as juvenile/adult. Deputies shall not transport inmates/patients in the same vehicle unless they are in separate compartments within the vehicle.

## 401.8 ESCAPE FROM CUSTODY

If an escape from custody occurs, the deputy shall notify the nearest Public Safety Answering Point with the following information:

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- Location.
  - Name and physical description of escapee.
  - Direction of flight.
  - Charges against escapee.

Deputies shall notify the duty supervisor of the escape as soon as possible. Once the area is secure, arrangements shall be made to complete the transportation of any remaining prisoners. Prior to going off-duty the deputy(s) shall complete a written report containing all relevant elements of the escape from custody charge.

Transport vehicles



Document Number: **402**  
Document Name: **Avoiding Racial Profiling**  
Effective Date: *September 28, 2022*  
Document Status: *Approved*

**400.1 PURPOSE AND SCOPE**

This policy provides guidance and establishes appropriate controls to ensure that employees of the Office do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

**400.1.1 DEFINITIONS**

Definitions related to this policy include:

**Racial profiling** – any action initiated by law enforcement that relies upon the race, ethnicity or national origin of an individual rather than:

1. The behavior of that individual; or
2. Information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471).

**400.2 POLICY**

The Hennepin County Sheriff's Office is committed to impartial policing and reinforcing procedures that serve to assure the public we are providing service and enforcing laws in a fair and equitable manner to all (Minn. Stat. § 626.8471, Subd. 3).

**400.3 RACIAL OR BIAS BASED PROFILING PROHIBITED**

Policing impartially, not racial- or bias-based profiling, is standard procedure for the Office meaning:

1. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and peace officers must be able to articulate specific facts, circumstances

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and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures;

2. Except as provided in paragraph 3, peace officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause; and
3. Peace officers may take into account the descriptors in paragraph 2. Based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals and this information may be used in the same manner officers use specific information regarding age, height or weight about specific suspects.

#### **400.4 EMPLOYEE RESPONSIBILITY**

Every employee of this office shall perform their duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

##### **402.4.1 REASON FOR DETENTION**

Deputies detaining a person shall be prepared to articulate specific facts, circumstances and conclusions that support sufficient reasonable suspicion or probable cause to justify a detention, pedestrian and vehicle stops, arrest, nonconsensual searches and property seizures.

To the extent that written documentation would otherwise be completed, the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

##### **402.4.2 INFORMATION TO BE PROVIDED**

Deputies shall (Minn. Stat. § 626.8471, Subd. 3):

- (a) Be respectful and professional.
- (b) Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise deputy or public safety.
- (c) Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense.
- (d) Attempt to answer relevant questions the person may have regarding the contact, including relevant referrals to other agencies when appropriate.
- (e) Explain the reason for the contact if it is determined the reasonable suspicion was unfounded.



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- (f) When requested, deputies have a duty to give their name or badge number and identify this office during routine stops.
  - (g) When requested, deputies should inform a member of the public of the process to file a misconduct complaint for racial- or bias-based profiling against a member of the Office, and that racial- or bias-based profiling complaints may be referred to the Internal Affairs Unit.

#### **402.5 SUPERVISOR RESPONSIBILITY**

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violations.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should ensure that no retaliatory action is taken against any employee of this office who discloses information concerning racial- or bias-based profiling.

#### **402.6 TRAINING**

All newly hired deputy sheriffs shall initially receive a copy of this policy and training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Employee Development Unit.

Members should receive and review training materials prepared by the Board of Peace Officer Standards and Training (POST) (Minn. Stat. § 626.8471, Subd. 7).

#### **402.7 DUTY TO REPORT**

Every employee of the Office shall perform their duties in a fair and objective manner and are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Employees should, when reasonable to do so, intervene to prevent any biased-based actions by another employee.

#### **402.8 VIOLATIONS**

Alleged violations of this policy must be reported to POST in accordance with the reporting requirements in Minn. Stat. § 626.8457.



Document Number: **406**  
Document Name: **Crime and Disaster Scene Integrity**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**406.1 PURPOSE AND SCOPE**

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

**406.2 CRIME SCENE RESPONSIBILITIES**

The first deputy at the scene of a crime or major incident is generally responsible for the preservation of the scene. Deputies shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the deputy is relieved by a supervisor.

**406.2.1 FIRST RESPONDER CONSIDERATIONS**

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start a chronological log noting critical times and personnel allowed access.

**406.2.2 EXECUTION OF HEALTH ORDERS**

Any licensed member of this office may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Minn. Stat. § 144.4195 Subd. 2).

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## **406.3 SEARCHES AT CRIME OR DISASTER SCENES**

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

### **406.3.1 CONSENT**

Deputies should obtain consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.



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|------------------|-------------------------------|
| Document Number: | <b>408</b>                    |
| Document Name:   | <b>Emergency Service Unit</b> |
| Effective Date:  | <i>August 28, 2017</i>        |
| Document Status: | <i>Approved</i>               |

#### 408.1 PURPOSE AND SCOPE

The Office Emergency Service Unit (ESU) consists of a designated unit of deputy sheriffs that are specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of Office policy, such a unit may also be used to serve high- risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

#### 408.2 POLICY

This policy is divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to office personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

It is the policy of this office to provide the equipment, adequate staffing levels and training necessary to maintain an ESU team. The ESU team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of human life is paramount.

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## **408.2.1 ANNUAL ASSESSMENT**

A needs assessment should be conducted to determine the type and extent of ESU missions and operations appropriate to this office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the ESU Commander(s) or designee.

## **408.3 PROCEDURES**

### **408.3.1 ADMINISTRATIVE PROCEDURES**

The ESU team was established to provide a skilled and trained team of deputy sheriffs that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

This office shall develop a separate written set of administrative procedures that should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

### **408.3.2 SELECTION OF PERSONNEL**

Interested deputy sheriffs who are off probation shall submit a request to their appropriate Captain, a copy of which will be forwarded to the ESU Commander(s) and other ESU supervisors. All applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the ESU Commander(s). The testing process will consist of an oral board, physical agility test, a firearms proficiency test, and a review of work performance. The oral board will consist of personnel selected by the ESU Commander(s). Interested deputy sheriffs will be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of the critical role of an ESU member.
- (c) Special skills, training or appropriate education as it pertains to this assignment.
- (d) Commitment to the unit, realizing that the additional assignment may necessitate

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unusual working hours, conditions and training obligations.

- (e) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of ESU-related duties. The test and scoring procedure will be established by the ESU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (f) Firearm proficiency: This course and scoring system will be determined by the ESU Commander(s).

A list of passing applicants shall be submitted to Staff by the ESU Commander(s) for final selection.

### **408.3.3 ORGANIZATIONAL PROCEDURES**

The commander(s) of the ESU shall be selected by the Sheriff or designee, upon recommendation of Staff.

The optimal compliment of ESU Commander(s) is two (2) allowing for sufficient coverage in the sharing of responsibility of this collateral duty assignment.

The commander(s) primary responsibilities are as follows:

- Provide operational command during details and training;
- Developing team vision and goals;
- Develop the budget working through the ESU Manager;
- Maintain and procure equipment; and
- Develop/facilitate training

### **408.3.4 ESU MANAGER**

Under the direction of the Sheriff or designee, through the Enforcement Services Division Captain, the Emergency Service Unit shall be managed by the Special Operations Unit Lieutenant.

The ESU Manager will work with the ESU Commander(s) and the ESU Executive Officer to facilitate all administrative duties associated with the ESU.

### **408.3.5 ESU EXECUTIVE OFFICER**

The ESU Executive Officer will consist of a full-time sergeant in charge of all daily activities. The duties are as follows:

- Receive assignments from the ESU Commander(s) and Manager;
- Make recommendations to the ESU Commander(s) and Manager regarding personnel, equipment and training; and
- Function as a full-time team leader.

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### **408.3.6 ESU TEAM LEADERS**

The ESU will be supervised by team leaders, at the rank of sergeants. The team leaders shall be selected by ESU Commander(s). The ESU team leader's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the ESU Commander(s).

### **408.3.7 TEAM EVALUATION**

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the ESU Commander(s). The performance and efficiency level, as established by the ESU Commander(s), will be met and maintained by all ESU team members. Any member of the ESU team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

## **408.4 OPERATIONAL POLICY AND PROCEDURES**

### **408.4.1 INITIAL TRAINING**

This office shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested ESU Best Practices. Because such procedures are specific to ESU members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during ESU operations (time permitting).
  1. All ESU team members should have an understanding of operational planning.
  2. ESU team training should consider planning for both emergency and deliberate events.
  3. ESU teams should incorporate medical emergency contingency planning as part of the ESU operational plan.
- (b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment. When reasonably possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action, as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of ESU.
- (e) A standard method of determining whether a warrant should be regarded as high

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risk.

- (f) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (g) Post-incident scene management including:
  - 1. Documentation of the incident.
  - 2. Transition to investigations and/or other units.
  - 3. Debriefing after every deployment of the ESU team.
    - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs and reinforces sound risk management practices.
    - (b) Such debriefing should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
    - (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    - (d) When appropriate, debriefing should include specialized units and resources.
- (h) Sound risk management analysis.
- (i) Standardization of equipment.

#### **408.4.2 USE OF THE EMERGENCY SERVICES UNIT**

The following are examples of incidents that may result in the activation of the ESU:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages have been taken.
- (c) Arrests of dangerous persons.
- (d) Any situation where an ESU response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

#### **408.4.3 OUTSIDE AGENCY REQUESTS**

Use of an outside agency tactical unit by Office personnel should be limited to situations in which ESU is unavailable. Outside agency requests for ESU high risk warrant service may be authorized by the ESU Commander(s) who will notify Office Administration.

#### **408.4.4 MULTI-JURISDICTIONAL OPERATIONS**

The ESU team, including relevant specialized units and supporting resources, should develop protocols, agreements, memoranda of understanding or working relationships to support multi-jurisdictional or regional responses. If it is anticipated that multi-jurisdictional ESU operations will regularly be conducted, tactical multi-agency and multidisciplinary joint training exercises are encouraged. Members of the Office ESU



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team shall operate under the policies, procedures and command of the Office when working in a multi-agency situation.

#### **408.4.5 MOBILIZATION OF THE EMERGENCY SERVICE UNIT**

A supervisor or incident commander in charge of a scene or event shall assess if the ESU should be requested to be mobilized. Upon final determination of the involved Unit Commander and/or the Watch Commander, they will make a request of the ESU Commander(s). A full call out for Office or outside agency personnel requires the approval of the Chief Deputy or designee.

The ESU Commander(s) will evaluate the request based on the following information:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location and safe approach to the command post.
- (g) The extent of any perimeter and the number of deputies involved.
- (h) Whether the suspect has refused an order to surrender.
- (i) Any other important facts critical to the immediate situation.

If warranted, the ESU Commander(s) will seek authorization from the Chief Deputy or designee via appropriate chain of command.

Upon receiving authorization from the Chief Deputy or designee, the ESU Commander(s) or supervisor shall then initiate a call out of ESU team members

#### **408.4.6 FIELD UNIT RESPONSIBILITIES**

While waiting for the ESU, field personnel should, if safe, practicable and if sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Evacuate any injured persons or citizens in the zone of danger.
- (d) Attempt to establish preliminary communication with the suspect. Once the ESU has arrived, all negotiations should generally be halted to allow the negotiators and ESU time to set up.
- (e) Be prepared to brief the ESU Commander on the situation.
- (f) Plan for and stage anticipated resources.

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#### **408.4.7 ON-SCENE COMMAND RESPONSIBILITIES**

Upon arrival of the ESU, the incident commander/supervisor shall brief the ESU Commander(s) and team leaders. Upon review, it will be the incident commander's decision, with input from the ESU Commander, whether to deploy the ESU. Once the incident commander authorizes deployment, the ESU Commander will be responsible for the tactical portion of the operation. The incident commander shall continue supervision of the command post operation, outer perimeter security and support for the ESU. The incident commander and the ESU Commander or designee shall maintain communications at all times.

#### **408.5 UNIFORMS, EQUIPMENT AND FIREARMS**

##### **408.5.1 UNIFORMS**

The ESU team should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

##### **408.5.2 EQUIPMENT**

The ESU team should be adequately equipped to meet the specific mission(s) identified by the Office.

##### **408.5.3 FIREARMS**

Weapons and equipment used by the ESU should be Office-issued or approved, including any modifications, additions or attachments.

##### **408.5.4 OPERATIONAL READINESS INSPECTION**

The commander of the ESU shall appoint an ESU team leader to perform an operational readiness inspection of all unit equipment at least quarterly. The results of the inspection will be forwarded to the ESU Commander. The inspections will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the ESU vehicle.

#### **408.6 ARMORED VEHICLES - BALLISTIC ENGINEERED ARMORED RESPONSE AND RESCUE VEHICLE (LENCO BEAR)**

The BEAR will primarily support the Hennepin County Sheriff's Office (HCSO) ESU and HCWMD Tactical Command Teams during daily operations. Requests for the BEAR by outside agencies shall be vetted by the HCSO using current mutual aid request practices employed by the HCSO. Guidelines for the use and care of the HCSO Ballistic Engineered

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Armored Response and Rescue Vehicle (BEAR) manufactured by Lenco for the HCSO ESU and HCWMD Tactical Teams are defined within this policy.

#### 408.6.1 DEPLOYMENT AND APPROVAL PROCESS

Deploying the BEAR on any detail must be initiated by an HCSO Commander - the Enforcement Services Division (ESD) Captain, Special Operations Unit (SOU) Lieutenant, ESU Commander, or the Watch Commander and approved by the Major of the Enforcement Services Bureau.

Internal deployments for ESU and WMD, or self- initiated deployments in support of another agency shall be handled under existing practices and policies.

External deployments based on a request by an outside agency shall be handled as follows:

- External Operational/Tactical Deployment - If the request is related to an emerging tactical event or a pre-planned tactical event:
  1. The request must come from a Commander of the requesting agency.
  2. The request must be approved by the Major of the Enforcement Services Bureau.
- External Administrative Deployment - If the request is related to a training or a public relations event:
  1. The request must come from a Commander of the requesting agency.
- The request must be approved by the Captain of the Enforcement Services Division. In the event of an emergent tactical event:
  1. The ESD Captain, SOU Lieutenant or Watch Commander may deploy the Bear with trained HCSO deputies.
  2. The Major of the Enforcement Services Bureau shall be notified as soon as practical.
- Out of County Deployments - The Major of the Enforcement Services Bureau must approve all out of County deployments.

#### 408.6.2 DEPLOYMENT MANDATES

The BEAR shall be driven and operated exclusively by members of the HCSO who are trained in their use and referred to as Driver and Operator.

- **Driver:** A licensed HCSO deputy who is trained and certified to drive the BEAR. The driver's sole responsibility is to drive the BEAR. All certified drivers are also certified Operators.
- **Operator:** A licensed HCSO deputy who is trained and certified to operate all equipment and mechanisms associated with the BEAR and Peacekeeper. The Operator is the passenger member of the two person team required to deploy the BEAR and/or Peacekeeper, and acts as the

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assistant to the Driver and any tactical team member utilizing the BEAR and/or Peacekeeper.

The BEAR shall be staffed with at least two (2) trained deputies at all times during deployment.

A designated HCSO Commander must be assigned to maintain operational control of the BEAR during each deployment:

- During internal deployments, the BEAR's actions will be determined by the HCSO Tactical Commander.
- During external deployments, the mission objectives for the use of the BEAR must be clearly defined and agreed upon at the time of the request. Any deviation or addition to this mission must be approved by the Major of the Enforcement Services Bureau.

Only HCSO personnel will be authorized to drive the BEAR during a tactical deployment - internal or external. The HCSO driver will not relinquish control of the BEAR for any reason unless approved by the designated HCSO Commander. The second operator may be an officer of a supporting WMD Team agency.

Upon completion of each deployment, the BEAR shall be returned to the Hennepin County Sheriff's Office ESD Headquarters as soon as practicable - washed and refueled. All mechanical issues must be immediately reported to the SOU Commander.

#### **408.6.3 WEAPONS HANDLING**

The BEAR is a fully armored response and rescue vehicle. Operators and passengers must be acutely aware of the dangers presented by a ricochet round should an unintentional discharge occur within the BEAR.

The muzzle of any firearm that is fired from the BEAR must be extended well beyond the port or the top hatch of the armored vehicles.

Handguns must remain holstered within the BEAR, unless actively firing at a threat through a port or the top hatch.

Hearing and eye protection must be worn at all times within the BEAR during tactical operations, and when firearms are fired from the armored vehicles during training.

#### **408.6.4 TRAINING AND CERTIFICATIONS - ARMORED VEHICLE OPERATION**

All HCSO ESU and HCWMD team members shall receive familiarization training in the use of the armored response and rescue vehicles. The level of training will qualify the team member as an OPERATOR.

A defined number of HCSO ESU/WMD team members will receive additional training to be

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certified as DRIVERS.

The minimum certification and familiarization training standards and course shall be set by the Hennepin County Sheriff's Office and subject to the approval by the HCSO SOU Commander or designee.

A list of current certified DRIVERS and OPERATORS shall be maintained at the Hennepin County Sheriff's Office SOU and a copy kept in the BEAR at all times.

#### **408.6.5 RESTRICTIONS**

Under no circumstances is the BEAR to be used by any unauthorized person or agency, or for any mission not previously approved by the Major of the Enforcement Services Bureau or designee.

#### **408.6.6 REPORTS AND MAINTENANCE**

Prior to use of the BEAR, the DRIVER or OPERATOR must complete the pre-deployment inspection checklist.

The BEAR shall be inspected by the ESU Executive Officer, SOU Commander, or designee upon return from any use or deployment. A BEAR use report shall be filled out and turned into the ESU Executive Officer.

Anytime the BEAR is used to assist another agency, an "ICR" shall be generated to document the date, time and which agency requested/used the armored vehicle.

Any damage observed or noticed shall immediately be reported to the SOU Commander. The BEAR shall be maintained by the Office.

The BEAR shall be stored at the Office's Enforcement Services Division at all times.

The ESU Executive Officer or designee shall be responsible for ensuring the BEAR receives scheduled maintenance as dictated by CMED.

### **408.7 TRAINING**

#### **408.7.1 INITIAL TRAINING**

ESU team members and ESU team leaders should not be deployed until successful completion of an approved Basic ESU Course or its equivalent. To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Office.

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#### **408.7.2           UPDATED TRAINING**

Appropriate team training for the specialized ESU functions and other supporting resources should be completed on a monthly basis.

#### **408.7.3           SUPERVISION AND MANAGEMENT TRAINING**

Command and executive personnel are encouraged to attend training for managing the ESU function at the organizational level. This is to ensure personnel who provide active oversight at the scene of ESU operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend an ESU or Critical Incident Commander course or its equivalent. ESU command personnel and team leaders should attend an Office-approved ESU commander or tactical commander course or its equivalent.

#### **408.7.4           CONTINUAL TRAINING**

Training shall be coordinated by the ESU Commander(s). The ESU Commander(s) may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each ESU member shall perform a physical fitness test annually. A minimum qualifying score must be attained by each team member.
- (b) Any ESU team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Annually each ESU team member shall perform the mandatory ESU handgun qualification course. The qualification course shall consist of the ESU Basic Drill for the handgun. Failure to qualify will require the deputy to seek remedial training from a Range Sergeant approved by the ESU Commander(s). Team members who fail to qualify will not be used in ESU operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Annually each ESU team member shall perform a mandatory ESU qualification

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course for any specialty weapon issued to or used by the deputy during ESU operations. Failure to qualify will require the deputy to seek remedial training from a Range Sergeant approved by the ESU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on ESU operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon

#### **408.7.5 SAFETY**

Use of a designated safety officer shall be utilized for all tactical training.

#### **408.7.6 SCENARIO-BASED TRAINING**

The ESU should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

#### **408.7.7 DOCUMENTATION**

Individual and team training shall be documented and records maintained by the ESU Commander. Such documentation shall be maintained in each member's individual training file. A separate ESU training file shall be maintained with documentation and records of all team training.

#### **408.7.8 NEEDS ASSESSMENT**

The ESU commander shall conduct an annual ESU training needs assessment to ensure that training is conducted within team capabilities and Office policy.



Document Number: **410**  
Document Name: **Ride-Along**  
Effective Date: *February 17, 2017*  
Document Status: *Approved*

**410.1 PURPOSE AND SCOPE**

The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

**410.1.1 ELIGIBILITY**

The Office Ride-Along Program is offered to residents, students and those employed with the County. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Office.
- Denial by any supervisor.

**410.2 PROCEDURE TO REQUEST A RIDE-ALONG**

Generally, ride-along requests will be scheduled by the appropriate division/unit staff. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number.

The division/unit staff will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective supervisor as soon as possible for their scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the division/unit will contact the applicant and advise them of the denial.



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#### **410.2.1 PROGRAM REQUIREMENTS**

Once approved, a civilian will be allowed to participate in a ride-along no more than once every six months. An exception would apply to the following: cadets, Explorers, chaplains, Reserves, sheriff's applicants and all others with approval of the division/unit commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Immediate family members are not allowed to do a ride-along with any family member. They will be assigned to ride with another deputy.

Ride-along requirements for sheriff's cadets are covered in the Sheriff's Cadets and Explorers Policy.

#### **410.2.2 SUITABLE ATTIRE**

Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Shift Supervisor or field supervisor may refuse a ride-along to anyone not properly dressed.

#### **410.2.3 PEACE OFFICER RIDE-ALONG**

Off-duty members of this office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the express consent of the division/unit commander or the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### **410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK**

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ride-along is not an employee of the Office).

### **410.3 DEPUTY'S RESPONSIBILITIES**

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

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Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable, have another sheriff's vehicle respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Shift Supervisor.

The division/unit staff is responsible for maintaining and scheduling a ride-along. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the division/unit staff with any comments that may be offered by the deputy.

#### **410.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct them in the conditions that necessarily limit participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any sheriff's equipment.
- (c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties.
- (d) The deputy may terminate the ride-along and return the observer to their home or to the station if the ride-along interferes with the performance of any deputy's duties.
- (e) A ride-along may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (f) Deputies will not allow any ride-along to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.
- (g) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.



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|                  |                                  |
|------------------|----------------------------------|
| Document Number: | <b>411</b>                       |
| Document Name:   | <b>Portable Recording System</b> |
| Effective Date:  | <i>May 11, 2022</i>              |
| Document Status: | <i>Approved</i>                  |

#### 411.1 PURPOSE AND SCOPE

With the goal of enhancing accountability and public trust, this policy will provide the Office's licensed personnel, detention deputies and special deputies in an enforcement role with procedures for the use and management of Body Worn Camera (BWC) equipment, and the access, retention, storage, and retrieval of recorded media captured by BWC equipment pursuant to Minn. Stat. §13.825. The purpose of BWC equipment used by licensed deputies, detention deputies or special deputies in an enforcement role is to accomplish the following:

- Enhance accountability and public trust by preserving evidence of deputy interaction with citizens.
- Capture digital audio-video evidence for criminal, civil and traffic-related court cases.
- Provide additional reliable documentation of interactions and encounters with inmates in the Public Safety Facility (PSF) and Court Services Division.
- Document staff-inmate interactions such as calls for assistance and use of force incidents.
- Serve as a training tool for deputy safety and best practices in the Office.
- To enhance deputy safety.

#### 411.2 POLICY

Body worn cameras provide documentary evidence for criminal investigations, internal or administrative investigations and civil litigation. Deputies, to include detention deputies and special deputies working in an enforcement role for the remainder of this policy, assigned this equipment shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

Deputies assigned the BWC's may be assigned to Emergency Services Unit, Patrol Unit, Transport Unit, Forensic Science Laboratory, Safe Zone, K9 deputies, Water Patrol, Adult Detention, Court Security and special deputies assigned to an enforcement role.

#### 411.3 DEFINITIONS

**Activation:** Any process that causes the BWC system to record audio or video data. Activation can be done manually or through the signal.

**Authorized Personnel:** Personnel designated by the Sheriff or designee, to manage data recorded by the BWC. Such management includes duplication, redaction and lawful destruction of data as required by law and the Office's Records Retention Policy. Designated personnel may include, but is not limited to: Responsible Authority Designee, Records Management Specialists,

Forensic Science Laboratory Personnel and internal Information Technology Personnel.

**Body Worn Camera (BWC):** A portable recording system, designed to be worn by a licensed or special deputy, capable of both video and audio recording of the deputy's activities, interactions with others and collecting digital multimedia evidence as part of an investigation.

**BWC Equipment Check:** An audio-video test to ensure that the BWC equipment is in working order. This check shall include a test of the video and microphone recording components, and a date and time check.

**BWC Operational Guide:** Training manual that outlines the protocol for operating the BWC system/equipment.

**BWC Uploading:** The act of transferring recorded data from the BWC to the storage server.

**Classify:** To categorize an event that has been recorded and for which a predetermined retention period has been set.

**Critical Incident:** An incident involving any of the following situations occurring in the line of duty:

- The use of deadly Force by or against a deputy;
- Any incident that has caused or is likely to have caused great bodily harm or death to any person to include Office employees;
- Any incident deemed critical by the Sheriff or designee.

**Data Subject:** The deputy who collected the data, and any other individual or entity, including any other peace officer, regardless of whether the peace officer is or can be identified by the recording whose image or voice is documented in the data. (Minn. Stat. §13. 825, subd. 4.)

**Deadly Force:** As defined by Minn. Stat. §609.066, which states that: "Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force."

**Deactivation:** Any process that causes the BWC system to stop recording. Deactivation will be done manually.

**Designated Upload Site:** Location where deputies complete the task of uploading BWC recordings to a storage server through a PC or docking station.

**Great Bodily Harm:** Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

**Portable Recording System Data:** Means audio or video data collected by a BWC system.

**Pre-Event Recording:** Video stored by the BWC system prior to manual activation. This is a configurable feature for the digital BWC system and is preset to record video prior to manual activation. The pre-event recording is included as part of the incident and is viewable during playback.

**Record Mode:** Any time BWC equipment is recording audio or video as indicated on the LCD monitor, wireless microphone or DVR.

**Recorded Media:** Audio-video signals recorded on any of several storage devices, including but

not limited to, portable digital storage devices (e.g. CD, DVD, hard drive, flash drive).

**Redact:** Means to blur video or distort audio so that the identity of the subject in a recording is obscured sufficiently to render the subject unidentifiable.

**Signal:** Activates the deputy's camera and other nearby cameras to begin recording when the firearm is removed from its holster or when the squad car's emergency lights are activated in mode two or higher.

#### 411.4 DEPUTY RESPONSIBILITIES

- a) Deputies assigned a BWC shall use it in accordance with Office training, Office policies, and the manufacturer's recommendations.
- b) Deputies shall wear the BWC in accordance with Office training, using mounting equipment provided by the Office. Any alterations to the prescribed use of this equipment must be approved by the BWC coordinator or the Sheriff or designee.
- c) Deputies shall complete Office authorized training in the use and operation of the BWCs prior to being assigned a BWC.
- d) Prior to going into service, each deputy will be responsible for testing the unit and making sure that they are equipped with a portable recorder issued by the Office and that the recorder is in good working order (Minn. Stat. § 13.825). Testing\* includes:
  1. The BWC is functional and has an adequate power source;
  2. The BWC is connected to the recording equipment;
  3. The view of the camera is free of obstruction;
  4. The camera lens is operational;
  5. The camera is facing the intended direction;
  6. The recording mechanism is capturing both audio and video information;
  7. The system plays back both audio and video tracks; and
  8. The date and time are accurate.
- e) Deputies shall notify their immediate supervisor as soon as practical of any missing, damaged, or malfunctioning BWC equipment.
- f) If the recorder is not in working order or the deputy becomes aware of a malfunction at any time, the deputy shall promptly report the failure to their supervisor and obtain a functioning device as soon as practicable.
- g) Deputies shall notify their immediate supervisor of any recorded event to be of value for administrative review.
- h) Deputies shall upload all BWC digital data at the conclusion of their shift, or as soon as practical, by placing their BWC in the assigned docking stations or utilizing other Office approved uploading procedures.
- i) Deputies are encouraged but not required to inform members of the public, including inmates that they are being recorded. If asked, deputies should inform those inquiring that audio-video recording equipment is in use, unless doing so would be unsafe for the deputy or members of the public.

\*Testing of the squad car's emergency lights should be conducted outside of the ESD or Water Patrol headquarters to prevent inadvertent activation of other BWC's.

## 411.5 SUPERVISOR RESPONSIBILITIES

- a) Supervisors shall ensure that deputies follow established procedures for the use and maintenance of BWC equipment and the completion of BWC documentation. This includes periodic review of BWC recordings to ensure proper procedures are being followed.
- b) Supervisors shall ensure that appropriate measures are taken when informed of any missing, damaged or malfunctioning BWC equipment.
- c) Supervisors shall respond to the scene of an incident that requires immediate retrieval of recordings and ensure appropriate uploading procedures are followed.
  - a. If an incident occurs that involves substantial or great bodily harm or death, the supervisor shall ensure that deputies upload the video as soon as practical following any necessary duties as part of the incident.
  - b. The same requirements shall apply to any incident the supervisor deems may be a high-profile incident (i.e. event that may create a great deal of attention or publicity).
- d) When conducting use of force reviews, supervisors shall view any pertinent BWC video as part of the review.

## 411.6 RESTRICTIONS

- a) Deputies shall not use the BWC for personal use or for any other reason inconsistent with this policy.
- b) Deputies shall not use any personally owned recording device to capture audio, video or photographic data while on duty. Only devices issued by the Office are authorized for such use.
- c) Disabling BWC equipment, intentionally interfering with audio or video recording capabilities, and altering, duplicating, deleting or destroying BWC recordings are prohibited, except by Authorized Personnel in the course and scope of their lawful job duties and in accordance with record retention laws and policies and the provisions of this policy. Only the Sheriff or designee can designate such Authorized Personnel.
- d) Deputies shall not use Office issued BWCs while working for another law enforcement agency (i.e., U of MN PD) or while off-duty.
- e) Deputies shall not use the BWC outside of Office business unless authorized by the Sheriff or designee.
- f) Deputies will try to avoid recording videos of persons who are nude or when bare human body areas are exposed;
- g) The BWC shall not be activated in places such as roll call rooms, locker rooms, dressing rooms or restrooms unless the incident is occurring in that location.
- h) The BWC is prohibited in patient care areas, both inside and outside the Adult Detention Facility, unless relevant to an investigation or to comply with the Mandatory Recording situations described in this policy.
- i) Deputies shall not use the BWC during routine unclothed body searches.

### 411.6.1 EXPLOSIVE DEVICE

Many portable recorders, including BWCs emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

## 411.7 ACTIVATION

This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Deputies assigned a BWC shall activate the BWC in any of the following situations:

1. All enforcement and investigative contacts including stops and field interview situations.
2. Calls for assistance (Adult Detention and Court Services Divisions);
3. When self-initiating a call, as soon as possible but prior to contacting a person or exiting the squad;
4. Prior to taking any law enforcement action;
5. When any situation becomes adversarial;
6. Restraint chair use;
7. When ordered to do so by a supervisor;
8. Prior to any response to resistance. If a BWC is not activated prior to a use of force, it shall be activated as soon as it is safe to do so.
9. Within a health care facility, while performing law enforcement activities.
10. Anytime a deputy feels it is appropriate to preserve audio/visual data when taking a statement from a victim, suspect or witness.

Deputies are encouraged but not required to notify a victim or witness of the use of the BWC. If asked, deputies should inform those inquiring that audio-video recording equipment is in use unless doing so would be unsafe for the deputy or members of the public.

Recognizing the unique privacy and security concerns within the jail and courtrooms, the BWC should not be activated while conducting routine, non-confrontational business to include but not limited to routine escorts or court security presence in courtrooms, until or unless the situation changes and one of the other situations occur requiring activation.

The BWC shall not be activated solely for the purpose of surveillance of or identification of individuals engaged in constitutionally protected activities conducted in a lawful manner.

If there is failure to activate the BWC in any of the above situations, the deputy shall document the reasons for the failure in their report.

At no time is a deputy expected to jeopardize their safety in order to activate a BWC.

## 411.8 DEACTIVATION

Once activated, the BWC shall be left in the record mode until the conclusion of the event or as directed by a supervisor.

Notwithstanding the above, once an event has been stabilized and if the deputy or supervisor reasonably believes it is no longer necessary to capture audio or visual evidence, and that none of the circumstances requiring activation will likely occur, the BWC may be deactivated:

1. To protect the identity of a deputy in an undercover capacity.
2. To protect the identity of a confidential reliable informant.
3. The incident or event is of such duration that it is necessary to deactivate the BWC to conserve power or storage.
4. To discuss issues surrounding the incident/investigation with a supervisor or another deputy in private.
5. When ordered to by a supervisor.
6. Within a health care facility, to preserve the privacy and dignity of a patient.

If a request is made for a BWC to be turned off by a party being contacted, the deputy should consider the overall circumstances. For example, a deputy may choose to turn off the BWC if its operation is inhibiting a victim or witness from giving a statement. Factors to consider may include the type of call and the vulnerability of the victim.

Prior to deactivating a BWC, deputies shall provide an audible narration prior to deactivation. If a report is prepared, the deactivation and the reason shall also be documented in the report or supplement. If a report is not prepared, the reason for the deactivation shall be documented via added remarks in Computer Aided Dispatch (CAD).

When employees are inside of a Sheriff's Office building and the likelihood of contact with the public does not exist, employees may turn their BWC off.

## **411.9 REPORT WRITING**

When preparing written reports, deputies may review their recordings as a resource (See Section 411.12 (3) for procedures following critical incidents). Deputies shall not retain personal copies of recordings. Employees should use a recording as an aide, but not as a substitute for a detailed written report.

A deputy shall document the following in their report:

1. Whether audio or video evidence was gathered relating to the events described in the report.
2. If the BWC was deactivated prior to the conclusion of the event, the fact that the BWC was deactivated and the reason for deactivation.
3. Any malfunction of the BWC equipment in either the recording or the uploading of the event.

## **411.10 BWC DATA RETENTION**

BWC system data shall be maintained in accordance with applicable law, this policy and the Office's records management and retention schedule (Minn. Stat. 13.825 subd. 3.)

The following classification options will be used:

- |                                      |          |
|--------------------------------------|----------|
| a) Accidental                        | 180 days |
| b) Test/Start Check                  | 180 days |
| c) Training                          | 180 days |
| d) Non-evidentiary/General Recording | 1 year   |
| e) Any Arrest                        | 7 years  |
| f) Calls for Service/Contact         | 7 years  |
| g) Civil Service                     | 7 years  |
| h) ESU Detail/High Risk Warrant      | 7 years  |
| i) Investigative/Follow-Up           | 7 years  |
| j) Protected                         | 7 years  |
| k) SWHDTF Detail                     | 7 years  |
| l) Traffic Stop                      | 7 years  |
| m) Transport                         | 7 years  |
| n) Trial Detail                      | 7 years  |
| o) Use of Force                      | 7 years  |
| p) VOTF Detail                       | 7 years  |
| q) Warrant Attempt                   | 7 years  |



|                      |  |
|----------------------|--|
| r) WMDTF Detail      | 7 years  |
| s) Significant event | Indefinite – minimum 7 years                               |
| t) Uncategorized     | Retained until otherwise classified                        |
| u) Pending review    | Retained until otherwise classified under above categories |

#### 411.11 BWC SYSTEM DATA CLASSIFICATION AND REQUESTS FOR RECORDINGS

Data collected by a portable recording system are governed by Minn. Stat. 13.825, subd. 2, other applicable state law and provisions of this policy:

All BWC recordings are the property of the Office and original BWC system recordings shall remain in the sole custody of the Office, unless necessary for the preparation of civil, criminal or administrative matters, used in court as evidence, provided to an expert for analysis, provided to another law enforcement agency in the scope of their investigation, if required to be provided to another by lawful order or as may otherwise be required by the Minnesota Government Data Practices Act or other applicable state law.

- a) All BWC system recordings shall be handled in accordance with the Minnesota Government Data Practices Act, Minn. Stat. 13.825 and Office Policy 810.
- b) In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any person.
- c) Recorded data may only be replayed or displayed for training purposes with the approval of the Sheriff or designee. Nothing herein prohibits the Employee Development Unit from having access to BWC recording for the purpose of training.
- d) Data captured by the BWC may be accessed by authorized Office personnel, provided the access is in the course and scope of the employee's lawful job duties, or used as evidence relating to:
  - Pending administrative, criminal, civil or traffic matters;
  - A complaint of misconduct made against a deputy;
  - In situations where evidence of deputy misconduct is discovered during the course of authorized access (including force reviews);
  - A random or uniform review of BWC data with regard to equipment functionality, policy compliance; or
  - Any other purpose authorized under this policy and consistent with State and Federal law.
- e) Requests by Office personnel for duplication of BWC data for purposes of official Office business shall be directed to the Administrative Services Bureau.
- f) Employees are prohibited from using recording devices to duplicate BWC video or audio in any form, including cell phones or video cameras.
- g) All requests for BWC recordings shall be referred to the Sheriff's Responsible Authority Designee and will be considered in accordance with the Minnesota Government Data Practices Act, Minn. Stat. 13.825 or other applicable state law.
- h) Deputies shall not share BWC recordings with any member of the public or any Office employee, unless it is required in the performance of their official duties and consistent with State and Federal law.
- i) All accesses to BWC data are documented automatically as part of the BWC equipment technology. Data relating to accesses will be retained in accordance with the retention schedule for the BWC data that was accessed.
- j) Any necessary and lawful redaction or other editing of BWC recordings shall only be completed by the Responsible Authority Designee in the course and scope of their lawful

job duties and in accordance with Minn. Stat. §13.825, other applicable state law and the provisions of this policy.

- a. The original recording shall remain intact and stored within the authorized storage system in accordance with Office policies, record management retention schedules and pursuant to Minn. Stat. §13.825.

#### **411.12 CRITICAL INCIDENTS**

See Office policy 310 'Critical Incident' for required protocols.

1. Involved or witness deputies shall maintain custody of their BWC equipment until Forensic Science Laboratory personnel take custody of the equipment.
  - a. In the event that any deputies will be photographed as part of the Critical Incident protocol, deputies shall leave BWC equipment on their uniform until photographs are completed.
  - b. Authorized Investigative, Crime Scene Investigators or Forensic Science Laboratory personnel will be responsible for ensuring any BWC recordings are properly uploaded.
  - c. Once all uploads are completed, the assigned investigator(s) will be responsible for authorizing release of the BWC equipment to the deputy or other appropriate personnel.
  - d. In the event that Forensic Science Laboratory personnel are unable to take custody of the BWC, the on-scene investigators shall coordinate custody of the BWC and uploading of the video.
2. When investigation of the incident is transferred to another law enforcement agency, deputies will provide their BWC to the investigating agency, as directed by their supervisor.
  - a. If deputies and/or their selected legal counsel wish to review recordings from their body worn camera prior to the deputy giving a statement to the investigators of a critical incident, they shall request approval from the Sheriff or the Sheriff's designee.

#### **411.13 ACCOUNTABILITY**

Any employee who accesses or releases recordings without authorization may be subject to discipline, including and up to discharge (Minn. Stat. § 626.8473.)

#### **411.14 INVENTORY OF PORTABLE RECORDING SYSTEM TECHNOLOGY**

Pursuant to Minn. Stat. §13.825, subd. 5, the Office's Administrative Services Bureau must maintain the following public data:

1. The total number of recording devices owned or maintained by the Office;
2. A daily record of the total number of BWC recording devices actually deployed and used by deputies;
3. The policies and procedures for use of BWC systems required by section 626.8473; and
4. The total amount of recorded audio and video data collected by the BWC system and maintained by the Office, the Office's retention schedule for the data, and the procedures for destruction of the data.

#### **411.15**

#### **BIENNIAL AUDIT**

Pursuant to Minn. Stat. 13.825, subd. 9, the Office's Administrative Services Bureau must:

1. Maintain records showing the date and time BWC system data were collected and the applicable classification of the data;
2. Arrange for the biennial audit of the data.

The results of the audit are public, except for data that are otherwise classified under law.

#### **411.16**

#### **TRAINING**

Supervisors and deputies that use the BWC shall successfully complete an instruction and training session on this policy and the use and care of the equipment and media prior to being able to deploy the BWC. There shall also be periodic training to ensure continued and effective use of the equipment and established procedures.



Document Number: **412**  
Document Name: **Hazardous Material Response**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**412.1 PURPOSE AND SCOPE**

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Minnesota Law, the following represents the policy of this office.

**412.1.1 DEFINITIONS**

**Hazardous material** - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form, which, because of its quantity, concentration, or chemical, physical or infectious characteristics may (Minn. Stat. § 116.06 Subd. 11):

- (a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed

**412.2 HAZARDOUS MATERIAL RESPONSE**

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment absent proper training. A responder entering the area may require decontamination before they are allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous material. Identification can be determined

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- by placard, driver's manifest or statements from the person transporting the material
- (b) Notify the appropriate fire department.
  - (c) Provide first aid to injured parties if it can be done safely and without contamination.
  - (d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
  - (e) Contact the Minnesota Duty Officer (800-422-0798).
  - (f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.

### **412.3 REPORTING EXPOSURE(S)**

Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in a memorandum that shall be forwarded to their immediate supervisor who will forward the memo to all necessary personnel. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

#### **412.3.1 SUPERVISOR RESPONSIBILITIES**

When a supervisor has been informed that an employee has been exposed to a hazardous material, they shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the appropriate fire department.



Document Number: **414**  
Document Name: **Unmanned Aerial System (UAS)**  
Effective Date: *September 1, 2021*  
Document Status: *Approved*

**414.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use, storage, reporting, retrieval and dissemination of images and data captured by the unmanned aerial system (UAS).

**414.1.1 DEFINITIONS**

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

**Unmanned Aerial Vehicle (UAV)** – An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

**414.2 POLICY**

Unmanned aerial vehicles may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAV will be in accordance with Minn. Stat. §626.19 Subd. 4, must comply with all Federal Aviation Administration (FAA) requirements and guidelines and this policy.

**414.3 PRIVACY**

The use of the UAV potentially involves privacy considerations. Absent a warrant or for the reasons listed in 414.4 provided in this policy, operators shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

**414.4 AUTHORIZED USE OF UAV**

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The Office must not use a UAV without a search warrant issued under Minn. Stat. § 626.19.

The Office may use a UAV:

1. during or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;
2. over a public event where there is a heightened risk to the safety of participants or bystanders;
3. to counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;
4. to prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters;
5. to conduct a threat assessment in anticipation of a specific event;
6. to collect information from a public area if there is reasonable suspicion of criminal activity;
7. to collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;
8. over a public area for Office training or public relations purposes; and
9. for purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the Office and specifies the reason for the request and proposed period of use.

Only authorized operators who have completed the required training shall be permitted to operate the UAV. Operators will always have a visual observer working in concert during the flight of the UAV.

#### **414.5           LIMITATIONS ON USE**

- a) The Office must comply with all FAA requirements and guidelines.
- b) The Office must not deploy a UAV with facial recognition or other biometric-matching technology unless expressly authorized by a warrant.
- c) The Office must not equip a UAV with weapons.
- d) The Office must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under 414.4
- e) The UAS video surveillance equipment shall not be used:
  1. To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
  2. To harass, intimidate or discriminate against any individual or group.
  3. To conduct personal business of any type.

#### **414.6           PROGRAM COORDINATOR**

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The Sheriff or designee will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and shall not implement use of the UAS until the following requirements have been satisfied:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing a protocol to document all missions according to Minn. Stat. §626.19 Subd. 5.
- Maintain a UAV inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAV.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules and statutory requirements.
- Recommending program enhancements, particularly regarding safety and information security.

#### **414.7 DEPLOYMENT AND USAGE**

1. Deployment of a UAV shall require authorization from the Major or Captain of the Public Safety Services Division or other authorized designee.
2. Deployment must comply with HCSO policy and state statute.
3. Deployment can only be conducted if there is an authorized pilot and trained visual observer conducting the mission.
4. The operator's Body Worn Camera (BWC) must be off and removed during operation. The flight compass will not work due to interference from the camera.

#### **414.8 RETENTION OF UAS DATA**

Data collected by the UAS must be destroyed no later than 7 days from collection unless the data is evidence in an active criminal investigation, claim, pending litigation or in anticipation thereof or explicitly authorized by law. Data not including any identifying, protected or non-public data may be kept for training purposes only.

The Office will ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including chain of custody requirements.

#### **414.9 REPORTING**

The Office must document each use of the UAV, connect each deployment to a unique case



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number, provide a factual basis for the use of the UAV and identify the applicable exception for use unless a warrant was obtained.

A flight log of the aircraft must be completed following deployment. Digital logs of aircraft mission profiles will be retained pursuant to FAA guidelines. The report shall contain:

- a) Pilot and visual observer;
- b) authorized use, search warrant or authorized exception;
- c) the supervisor that authorized the UAV deployment;
- d) a mission synopsis and results; and
- e) any performance issues, if applicable.

By January 15<sup>th</sup> of each year, the Office shall report to the commissioner of public safety the following information for the preceding calendar year:

- a) The number of times a UAV was deployed without a search warrant issued under this chapter, including the date of deployment and the authorized use of the UAV.
- b) The total cost of the agency's UAV program.



Document Number: **416**  
Document Name: **Response to Bomb Calls**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

#### 416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

#### 416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When a deputy responds to a call of a suspected explosive device, the following guidelines shall be followed:

- (a) The device should not be touched or transported to any other location.
- (b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (c) A perimeter should be secured for a minimum of 300 feet around the location, or an otherwise safe distance depending on the surrounding physical environment and allowing for an entrance for support personnel.
- (d) As much initial information as possible should be relayed to the Shift Supervisor without touching the device, including:
  1. The stated threat
  2. Exact comments
  3. Time of discovery
  4. Exact location of the device
  5. Full description (e.g., size, shape, markings, construction).
- (e) Deputies should not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility of evacuation if a device is located within a building.
- (f) An additional perimeter should be secured around any suspected device.

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- (g) Deputies should give consideration for the ingress/egress of additional support personnel, such as paramedics and fire department personnel.
  - (h) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area.
  - (i) Explosive or military ordnance of any type should be handled only by bomb squad technicians.
  - (j) When in doubt, call for assistance from the bomb squad.

### **416.3 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multiple considerations that may confront a deputy. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront the deputy:

- Injury to victims
- First aid
- Evacuation of victims

#### **416.3.1 NOTIFICATIONS**

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- (a) Fire department and/or state fire marshal
- (b) Bomb squad
- (c) Additional deputies
- (d) Field supervisor
- (e) Shift Supervisor
- (f) Investigators
- (g) Forensic science services
- (h) Bureau of Criminal Apprehension (BCA)

#### **416.3.2 CROWD CONTROL**

Scene access should be restricted to those with a legitimate public safety purpose.

#### **416.3.3 SCENE OF INCIDENT**

As in any other crime scene, steps should immediately be taken to preserve the scene.

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The scene could extend over a wide area. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

#### **416.4 BOMB THREATS AT OFFICE FACILITY**

This procedure shall be followed should a bomb threat be received at an Office facility and a search made for a destructive device.

##### **416.4.1 BOMB THREATS RECEIVED BY TELEPHONE**

The following questions shall be asked if a call of a bomb threat is received at an Office facility:

- When is the bomb going to explode?
- When did you place the bomb?
- What would cause the bomb to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? To avoid possible termination of the call, this should be asked after the preceding questions.

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these prior eight questions. Additionally, during this time, document the following:

- Time of the call
- Exact words of the person as accurately as possible
- Estimated age and gender of the caller
- Speech patterns and/or accents
- Background noises

If the threat is received at an Office facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current Office evidence procedures.

##### **416.4.2 RESPONSIBILITIES**

As soon as a bomb threat has been received, Office supervisors will be advised and fully informed of the details. They will then direct and assign deputies as required for coordinating a general building search or evacuation as deemed appropriate

#### **416.5 BOMB THREATS AT PUBLIC OR PRIVATE FACILITY**

This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Office is informed of the threat.

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### **416.5.1 BOMB THREAT RESPONSE OPTIONS**

The options available to the person in charge of the facility are generally:

- (a) No search and no evacuation
- (b) Search without evacuation
- (c) Evacuation without search
- (d) Evacuation and search

### **416.5.2 REQUEST FOR ASSISTANCE**

Should the person in charge of the facility request assistance, the Watch Commander shall be notified and will make the decision whether the Office renders assistance and to what level. Should the information and circumstances indicate a reasonably apparent imminent threat to safety, a more active approach, including law enforcement control over the facility, may be considered.

### **416.5.3 EVACUATION OR SEARCH ASSISTANCE**

Should the Watch Commander determine that the Office will assist or control a bomb threat incident, the Watch Commander will determine:

- (a) The level of assistance
- (b) The plan for assistance
- (c) Whether to evacuate and/or search
- (d) The appropriate support necessary

Considerations regarding the involvement of the facility staff in searching and evacuating are important. A search or evacuation can be difficult without a working familiarity of the facility. The person in charge of the facility should be made aware of the possibility of damage to the facility as a product of a search. The safety of all participants is the paramount concern.

Support consideration should include notification and response, or standby notice, for fire, medical and ambulance.



Document Number: **418**  
Document Name: **Emergency Admissions**  
Effective Date: *November 2, 2018*  
Document Status: *Approved*

#### **418.1 PURPOSE AND SCOPE**

This policy provides guidelines for when deputies may place an individual in protective custody and request an emergency admission under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.05).

#### **418.2 POLICY**

It is the policy of the Office to protect the public and individuals through legal and appropriate use of the emergency admission process.

#### **418.3 AUTHORITY**

A deputy, having reason to believe that any individual because of mental illness, developmental disability, chemical dependency or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to a treatment facility for an emergency evaluation (Minn. Stat. § 253B.05, Subd. 2).

The deputy shall make written application for admission of the individual to a treatment facility. The application shall contain the deputy's reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.05, Subd. 2).

##### **418.3.1 VOLUNTARY EVALUATION**

If deputies encounter an individual who may qualify for an emergency admission, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to the Minnesota Commitment and Treatment Act.

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- (b) If at any point the individual changes their mind regarding voluntary evaluation, deputies should proceed with the application for an emergency admission, if appropriate.
  - (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

#### **418.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any deputy handling a call involving an individual who may qualify for an emergency admission should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

#### **418.5 TRANSPORTATION**

When transporting any individual for an emergency admission, the transporting deputy should have Communications notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, on-duty shift supervisor approval is required before transport commences.

##### **418.5.1 TYPE OF TRANSPORTATION**

When transporting any individual on an emergency admission, and if reasonably practicable, deputies should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.05, Subd. 2(b)).

#### **418.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for an emergency admission and remain present to provide clarification of the grounds for detention, upon request.

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Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

#### **418.6.1 NOTICE**

Every person held pursuant to this section must be informed in writing at the time of admission of the right to leave after 72 hours, to a medical examination within 48 hours and to request a change to voluntary status. The treatment facility shall, upon request, assist the person in exercising these rights. (Minn. Stat. § 253.05, Subd. 2b).

#### **418.7 DOCUMENTATION**

The deputy should complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

#### **418.8 CRIMINAL OFFENSES**

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of an emergency admission should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency admission hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency admission.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency admission.

#### **418.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for an emergency admission, the deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and



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seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful warrantless entry has already been made. A warrant may also be needed before searching for or seizing weapons.

The deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

#### **418.10 TRAINING**

This office shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; and recognizing and valuing community diversity and cultural differences to include implicit bias training to all deputies. The training shall comply with learning objectives developed and approved by the MN POST Board (Minn. Stat. §626.8469.)



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|------------------|--------------------------|
| Document Number: | <b>420</b>               |
| Document Name:   | <b>Cite and Release</b>  |
| Effective Date:  | <i>December 14, 2020</i> |
| Document Status: | <i>Approved</i>          |

**420.1 PURPOSE AND SCOPE**

Minn. R. Crim. P. 6.01 Subd. 1 directs law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

**420.2 STATUTORY REQUIREMENTS**

Citation releases are authorized by Minn. R. Crim. P. 6.01 Subd. 1. Release by citation for misdemeanor offenses can be accomplished by issuing a notice to appear from a citation book or an electronic device.

**420.2.1 DISCRETION TO ARREST**

While this office recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this office, except in cases of hot or fresh pursuit, while following up on crimes committed within the County, when acting under a joint powers' agreement or mutual aid agreement, or while assisting another agency. On-duty deputies who discover apparent or potential criminal activity outside the jurisdiction of the County should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved deputy shall clearly identify themselves as a sheriff's deputy.

Deputies are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

**420.3 OFFICE PROCEDURE**

The following procedure will be followed to comply with the law.

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### **420.3.1 FIELD CITATIONS**

In most misdemeanor cases, an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Minn. R. Crim. P. 6.01 Subd. 1 (1) (a)).

Deputies may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense whenever appropriate.

### **420.3.2 PRE-APPEARANCE RELEASE AND BAIL SCHEDULE**

When a person is arrested without a warrant for a misdemeanor or ordinance violation(s), a Fourth Judicial District Court Citation shall be issued in lieu of booking and the accused released without bail, unless it reasonably appears that detention is necessary to prevent bodily harm to the accused or another or further criminal conduct, or that there is a substantial likelihood that the accused will fail to respond to a citation (Minnesota Rules of Criminal Procedures Rule 6.01).

Any person arrested on a payable offense shall not be booked but shall be issued a citation by the arresting officer unless unusual circumstance exists and detention is authorized pursuant to Rule 6. Persons may not be booked into the jail solely to determine identification.

Before a person is booked on a misdemeanor charge as required by Minnesota Rules of Criminal Procedure Rule 6.01 Subd. 1, the arresting deputy must complete an Authority to Detain and mark on the form the reason for continued detention rather than issue a citation pursuant to Minnesota Rules of Criminal Procedure Rule 6.01 Subd. 1(b).

All persons booked on tab charges will have bail set according to the Fourth Judicial District Bench Policy F.15 Bail Schedule. Persons arrested for offenses for which bail is required, may post bail and receive a court date, or may be released by pre-trial if eligible, or will be held for court. Tab charges may not be issued for payable offenses.

### **420.3.3 DISQUALIFYING CIRCUMSTANCES**

In misdemeanor cases, deputies who decide to proceed with prosecution and who act without a warrant must issue a citation and release the defendant unless it reasonably appears (Minn. R. Crim. P. 6.01 Subd. 1):

1. The person must be detained to prevent bodily injury to that person or another;
2. Further criminal conduct will occur; or
3. a substantial likelihood exists that the person will not respond to a citation.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall

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be submitted to the shift supervisor for approval and included with the case file in Central Records.

#### **420.4 JUVENILE CITATIONS**

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and local misdemeanor ordinance violations.

All misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the Investigative Division, if necessary, for further investigation and diversion or forwarded to the prosecutor.

#### **420.5 REQUESTING CASE NUMBERS**

Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Minnesota statute sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if they feel the situation should be documented more thoroughly in a case report. Case numbers are generated for all Initial Contact Reports (ICR).



Document Number: **422**  
Document Name: **Arrest or Detention of Foreign Nationals**  
Effective Date: *August 28, 2017*  
Document Status: *Approved*

#### 422.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to deputies when considering a physical arrest or detention of a foreign national. All Foreign Service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the United States Department of State's (DOS) website, <http://www.state.gov/>.

##### 422.1.1 DEFINITIONS

**Foreign National** - Is anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

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## **422.2 ARREST OR DETENTION OF FOREIGN NATIONALS**

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

## **422.3 LEVELS OF IMMUNITY**

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.

### **422.3.1 DIPLOMATIC AGENTS**

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently, there are no diplomatic agents permanently assigned to Minnesota but they occasionally visit the state.

### **422.3.2 CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts of immunity must be raised as an affirmative defense in the court jurisdiction and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who enjoys a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are currently two permanent consulates in Minnesota, The Canadian Consulate General and the Consulate of Mexico. Honorary consuls include Austria, Belgium, Bolivia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, France, Finland, Germany, Guatemala, Great Britain, Honduras, Iceland, Japan, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Romania, Spain, Sweden, Switzerland and Tanzania.

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**422.3.3****HONORARY CONSULS**

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

**422.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered and are issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the identification card, Foreign Service personnel should also have a driver's license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which, in most circumstances, replaces the operator's license issued by the state.

**422.4.1****VEHICLE REGISTRATION**

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with DOS OFM and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plate labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates but may have Minnesota license plates with an "honorary consul" label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "U.S." as the state, if the deputy has reason to question the legitimate possession of the license plate.

**422.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

**422.5.1****CITABLE OFFENSES**

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting deputy:

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- (a) Identification documents are to be requested of the claimant.
  - (b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the notice to appear for later reference. Do not include on the face of the notice to appear.
  - (c) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.
  - (d) All other claimants are subject to the provisions of policy and procedures outlined in this chapter.
  - (e) The violator shall be provided with the appropriate copy of the notice to appear.

#### **422.5.2 IN-CUSTODY ARRESTS**

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim unless restraint is necessary for the protection of the deputy or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:

- (a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with DOS. Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Office personnel should use the following numbers in order of preference:

**Office of Foreign Missions, Chicago IL** (312) 353-5762  
0800-1645 CST

**Office of Foreign Missions, Washington, D.C.** (202) 895-3521  
Diplomatic Motor Vehicle Office (202) 895-3532  
0815-1700 EST (202) 895-3533 (Fax)



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**Department of State, Washington, D.C.**  
Diplomatic Security Service Center  
Available 24 hours

(202) 647-7277  
(202) 647-1512  
(202) 647-0122 (Fax)

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Minnesota Consular Corps, local law enforcement agencies, the foreign embassy, or consulate, driver's license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving While Impaired (DWI) Arrest - Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation of Minn. Stat. § 169A.20 Subd. 1, while operating a motor vehicle. The deputy shall either complete a notice to appear or a written report documenting the incident.

This office shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this office shall send to the Bureau of Diplomatic Security, Office of Foreign Missions of the DOS a copy of the notice to appear and any collision or other written report documenting the incident. The DOS will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the Office.

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## **422.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license-class box of the Traffic Collision Report. The actual driver's license class shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country and type of identification presented should be recorded for future reference. Issuance of a citation to or arrest of an immunity claimant at the collision scene should be handled in accordance with the procedures specified in this policy.

### **422.6.1 VEHICLES**

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

### **422.6.2 REPORTS**

A photocopy of each Traffic Collision Report involving an identified diplomat and/or immunity claimant shall be forwarded to the Office within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The supervisor apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating deputy along with any supervisor's notes, materials and/or logs to the Sheriff's office within 48 hours of the incident. The Office will check to ensure the notification of DOS and all necessary follow-up occurs.

## **422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

1. Deputies shall not stop or detain persons solely for determining immigration status.
2. Deputies shall arrest foreign nationals only under the following circumstances:
  - (a) There is a valid warrant issued for the person's arrest.
  - (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

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(c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the deputy's presence.

3. International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
4. Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that they are entitled to have their government notified of the arrest or detention. If the individual wants their government notified, the deputy shall begin the notification process.

Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.



Document Number: **424**  
Document Name: **Rapid Response and Deployment**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**424.1 PURPOSE AND SCOPE**

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies implement rapid response and deployment to such situations.

**424.2 POLICY**

The policy of this office in dealing with a crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this office and others.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this office in protecting themselves or others from death or injury.

**424.3 PROCEDURE**

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to immediately eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action deputies should consider the following:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more deputies whenever reasonably possible.

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- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
  - (c) Whether the deputies have the ability to effectively communicate with others in the field.
  - (d) Whether planned tactics can be effectively deployed.
  - (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
  - (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).
  - (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the deputy should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.



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|------------------|---|
| Document Number: | <b>426</b>  |
| Document Name:   | <b>Reporting Law Enforcement Activity Outside of Jurisdiction</b> |
| Effective Date:  | <i>August 1, 2015</i>   |
| Document Status: | <i>Approved</i>   |

#### **426.1 PURPOSE AND SCOPE**

This policy provides general guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the Office.

##### **426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY**

When a deputy is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, they shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the deputy shall notify Sheriff's Communications Division before responding and thereafter notify a supervisor as soon as practicable.

##### **426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY**

Any on-duty deputy who engages in law enforcement activities of any type outside the immediate jurisdiction of the County shall notify their supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify their supervisor or the Watch Commander as soon as reasonably practicable.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's immediate supervisor.



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| Document Number: | <b>428</b>  |
| Document Name:   | <b>Public Recording of Law Enforcement Activity</b> |
| Effective Date:  | <i>August 1, 2015</i>                               |
| Document Status: | <i>Approved</i>                                     |

**428.1 PURPOSE AND SCOPE**

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this [department/office]. In addition, this policy provides guidelines for situations where the recordings may be evidence.

**428.2 POLICY**

The Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

**428.3 RECORDING LAW ENFORCEMENT ACTIVITY**

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
  - 4. Being close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

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#### **428.4 DEPUTY RESPONSE**

Deputies should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **428.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of office members, such as how and where to file a complaint.

#### **428.6 SEIZING RECORDINGS AS EVIDENCE**

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.



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(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.



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| Document Number: | <b>430</b>                       |
| Document Name:   | <b>Emergency Utility Service</b> |
| Effective Date:  | <i>August 1, 2015</i>            |
| Document Status: | <i>Approved</i>                  |

#### **430.1 PURPOSE AND SCOPE**

The Hennepin County Public Works Department along with many of our dependent jurisdictions has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Communications Division. Requests for such service received by this office should be handled in the following manner.

##### **430.1.1 CALLS FOR SERVICE**

Emergency Utility Service calls may include, but are not limited to, broken water lines, electrical outages, traffic signal malfunctions, lift station alarms, or any street maintenance problems.

When a dispatcher receives a call regarding a utility related issue the dispatcher will send public safety responders to verify the complaint. Once the complaint is verified, dispatchers will notify the appropriate public works department as indicated by the Computer Aided Dispatch System (CAD).

#### **430.2 TRAFFIC SIGNAL MAINTENANCE**

The County contracts with a private maintenance company to furnish maintenance for all traffic signals within the County other than those maintained by the Minnesota Department of Transportation (MN/DOT).

##### **430.2.1 DEPUTY'S RESPONSIBILITIES**

Upon observing a damaged or malfunctioning signal, the deputy will advise the Sheriff's Communications Division of the location and problem with the signal. The dispatcher shall make the necessary notification to the proper maintenance agency.



Document Number: **434**  
Document Name: **Aircraft Incidents**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

#### **434.1 PURPOSE AND SCOPE**

This policy describes situations involving aircraft incident including responsibilities of personnel, making proper notification and documentation. An aircraft incident may include a crash, mishap and/or hijacking.

#### **434.2 RESPONSIBILITIES**

In the event of an aircraft incident, the employee responsibilities are as follows:

##### **434.2.1 DEPUTY RESPONSIBILITIES**

Deputies should treat an aircraft incident site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft incident include the following:

- (a) Determine the nature and extent of the incident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide traffic and crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the appropriate Medical Examiner's Office is notified if fatalities are reported.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If reasonably possible, the investigating authority

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should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

Unified Command will be responsible for assigning personnel to control and preserve the incident scene until the injured parties are cared for and the incident scene has been rendered safe for containment. Thereafter, Unified Command will be responsible for preserving the scene until command is transferred.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

#### **434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD**

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating crashes involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the crash did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

#### **434.2.3 COMMUNICATIONS DIVISION RESPONSIBILITIES**

Dispatchers are responsible to make notifications as directed once an aircraft incident has been reported. The notifications will vary depending on the type of incident, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft incident has occurred.

- (a) Sheriff's, Police and Fire department(s).
- (b) The affected airport tower
  - 1. Anoka
  - 2. Crystal

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3. Flying Cloud
  4. Minneapolis/St. Paul International Airport
  5. MAC Airside Operations.

(c) Closest military base if a military aircraft is involved.

(d) Ambulances/EMS or other assistance as required.

(e) Medical Examiner's Office, if necessary.

When an aircraft incident is reported to the Sheriff's Communication Division by airport tower personnel, the dispatcher receiving such information should verify that the tower personnel will contact the Minnesota Department of Transportation Aeronautics and Aviation Section, the Federal Aviation Administration (FAA) Flight Standards District Office and NTSB. If airport tower personnel are not involved, the Sheriff's Communications Division should make these notifications.

#### **434.2.4 RECORDS KEEPING RESPONSIBILITIES**

The Office is responsible for maintaining an original copy of all case reports generated. Any aircraft incidents within the County, regardless of whether injuries or deaths occur, shall be documented through the records management system.

#### **434.2.5 DIRECTOR OF COMMUNICATIONS RESPONSIBILITIES**

The Sheriff's Office Director of Communications is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or designee.
- (b) When practicable, the Office Director of Communications should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the media.

Information released to the press regarding any aircraft crash should be handled by the Office Director of Communications or in accordance with existing policy. The Director of Communications should coordinate the release of such information with the FAA Press Information Officer and other jurisdictional authorities.

#### **434.3 DOCUMENTATION**

Any reported aircraft incident within the County, regardless of whether injuries or deaths occur, shall be documented.



Document Number: **436**  
Document Name: **Field Training Officer Program**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**436.1 PURPOSE AND SCOPE**

The Office Field Training Officer Program is intended to provide a standardized course of instruction with appropriate monitoring and oversight that will facilitate a newly hired or reassigned deputy's assimilation into daily operations in their particular work assignment. All newly hired or reassigned deputies will be assigned to a structured Field Training Officer Program that is designed to prepare them to perform their job duties in a safe, productive and professional manner.

**436.2 FIELD TRAINING OFFICER-SELECTION AND TRAINING**

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry-level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

**436.2.1 SELECTION PROCESS**

- FTOs will be selected based on the following requirements:
- (a) Submit a letter of interest to the Employee Development Unit Commander or their designee.
  - (b) Possess a minimum of two years of experience in their current work assignment.
  - (c) Demonstrated ability to serve as a positive role model.
  - (d) Receive a recommendation from their current supervisor.
  - (e) Successfully complete an internal oral interview selection process.
  - (f) Successfully complete an FTO training course.

**436.2.2 CONTINUED TRAINING**

All FTOs must successfully complete an internal FTO refresher course every three years while assigned to the position of FTO.

**436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR**

Each division or unit commander will designate a Field Training Officer Program Supervisor

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to oversee the administration of the FTO Program within their division or unit. The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct regular FTO meetings.
- (c) Ensure FTO/trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall administration of the division/unit FTO Program.
- (g) Maintain liaison with FTO Program Supervisors from other divisions/units.
- (h) Maintain liaison with the Employee Development Unit staff.

#### **436.4            TRAINEE DEFINED**

**Trainee** – Any newly hired or reassigned deputy of the Office.

#### **436.5            REQUIRED TRAINING**

All newly hired or reassigned deputies may be required to successfully complete the Field Training Program.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience.

If possible, the required training should take place on at least two different shifts and with at least two different FTOs.

##### **436.5.1            FIELD TRAINING MANUAL**

Newly hired or reassigned deputies may be issued a Field Training Manual at the beginning of their training and orientation. This manual is an outline of the subject matter and skills necessary to properly function in their work assignment. The deputy shall become knowledgeable of the subject matter as outlined and as the training progresses. They should also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, and guidelines utilized by the deputy's assigned division or unit.

#### **436.6            EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **436.6.1            FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

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- (a) Completing and submitting a written evaluation on the performance of the assigned trainee to the trainee's immediate supervisor on a daily basis.
  - (b) Reviewing the Daily Trainee Performance Evaluations with the trainee each day.
  - (c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.
  - (d) Signing off all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

#### **436.6.2 IMMEDIATE SUPERVISOR**

The trainee's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Supervisor.

#### **436.6.3 FIELD TRAINING SUPERVISOR**

The Field Training Supervisor will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through their immediate supervisor.

The Field Training Supervisor will hold periodic meetings with all division/unit FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Supervisor will conduct a program review meeting with all FTOs to discuss any changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forward to the Employee Development Unit Commander or their designee for review and approval.

#### **436.6.4 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of their FTOs and of the Field Training Program.

### **436.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.





Document Number: **438**  
Document Name: **Obtaining Air Support**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**438. 1 PURPOSE AND SCOPE**

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

**438. 2 REQUEST FOR AIR SUPPORT ASSISTANCE**

If a supervisor or deputy in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made. Due to certain time sensitive emergency situations, a supervisor or deputy may bypass the request through the normal chain of command.

**438.2. 1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

After consideration or approval of the request for air support, the supervisor or Watch Commander will call Sheriff's Communication Division for the request for air support. The supervisor or Watch Commander will apprise Sheriff's Communication Division of the specific details of the incident prompting the request. In certain circumstances, a supervisor may call the air support agency directly for a request for assistance.

**438.2. 2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED**

- Law enforcement air support may be requested under any of the following conditions:
- (a) When the aircraft is activated under existing mutual aid agreements.
  - (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.
  - (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
  - (d) When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
  - (e) Vehicle pursuits (Minn. Stat. § 626.8458).

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- (f) When the Shift Supervisor or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for deputies on the ground.



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| Document Number: | <b>440</b>                                    |
| Document Name:   | <b>Detentions and Photographing Detainees</b> |
| Effective Date:  | <i>August 1, 2015</i>                         |
| Document Status: | <i>Approved</i>                               |

**440.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to them at the time of the detention.

**440.2 DEFINITIONS**

**Detention** - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe they are being required to restrict their movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that their contact with the deputy is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

**Field Photographs** - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MVR) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-Down Search** - This type of search is used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee or others.

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

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## 440.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that they are part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that they are engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests they are carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity

### 440.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Office to strengthen our community involvement, community awareness and problem identification.

### 440.3.2 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the deputy's suspicions. The interview should not extend beyond the immediate vicinity of the place where the detention first occurred unless the detainee is arrested.

### 440.3.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

- (a) Identifying all persons present at the scene and in the immediate area.

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1. When reasonably feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to their departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office personnel.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in an office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport

#### **440.4 PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the deputy has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to, the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications that suggest the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

When reasonably possible, pat-down searches should be performed by deputies of the same gender as the suspect.

#### **440.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

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#### 440.5.1

#### FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

#### 440.5.2

#### FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

### 440.6 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before taking each photograph. Field photographs shall be classified as law enforcement data under Minn. Stat. 13.82, and shall be collected, maintained and disseminated consistent with the Minnesota Government Data Practices Act.

### 440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the division/unit supervisor with either an associated FI report or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the division/unit supervisor should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI report or memorandum is relevant to criminal gang enforcement, the supervisor will forward the photo and documents to the Criminal Information Sharing and Analysis Unit (CISA). A CISA Supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Gangs Policy.

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- (b) Photographs that do not qualify for retention in the criminal gang file or that are not evidence in an investigation with an assigned case number should be forwarded to the CISA Unit Supervisor. These photographs will be purged as described in this policy.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in a separate non-booking photograph file.

#### **440.7.1 PURGING THE FIELD PHOTO FILE**

The CISA Unit Supervisor will be responsible for ensuring that photographs maintained by the CISA Unit that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed unless a longer period of retention is required by the Office records retention schedule. No record may be destroyed unless done in compliance with such a schedule unless ordered by a court or pursuant to other applicable statute. Photographs that continue to serve a law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be governed by the Minnesota Government Data Practices Act.

#### **440.8 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this office during any contact other than an arrest and requests to view non-confidential data shall be shown the data immediately if possible, or within 10 days of the date of the oral or written request, excluding Saturdays, Sundays and legal holidays. No charge may be assessed for display of the data, and if desired the person shall be informed of the content and meaning of that data (Minn. Stat. 13.04 Subd. 3). The request to view the photograph/FI data shall be directed to the office of the Sheriff, who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.

##### **440.8.1 REVIEW PROCESS**

Upon receipt of such a written request, the Sheriff or designee will permit the individual to appear in person. Any minor under the age of 10 must be accompanied by a parent or legal guardian for a review of the status of the photograph/FI.

Such a meeting will be scheduled during regular business hours no longer than 10 days of the receipt of the request.

A meeting for the review of the status of any non-arrest photograph/FI is simply an informal opportunity for the individual to meet to review the data.



Document Number: **442**  
Document Name: **Criminal Organizations**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**442.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that the Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

**442.1.1 DEFINITIONS**

Definitions related to this policy include:

**Confirmed gang member** – an individual who is at least 14 years of age, who has met three or more of the criteria of gang membership developed by the Minnesota Violent Crime Coordinating Council under Minn. Stat. § 299A.642, and has been convicted of a crime of violence or has been adjudicated as a juvenile of a crime that would qualify as a crime of violence under Minn. Stat. § 624.712 Subd. 5.

**Criminal gang** - Minn. Stat. § 609.229 define a criminal gang as any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

- (a) Has, as one of its primary activities, the commission of one or more of the offenses listed in Minn. Stat. § 609.11 Subd. 9; and
- (b) Has a common name or common identifying sign or symbol; and
- (c) Includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

**Security threat group**-Any ongoing organization, association, or group of three or more persons, whether formal or informal, that has a common name or common identifying name or symbol, and includes members who individually or collectively engage in a pattern of criminal or behavior that is disruptive to a jail or correctional facility.

**Suspected gang member** – an individual who meets one or more criteria for gang



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membership developed by the Violent Crime Coordinating Council under Minn. Stat. § 299A.642.

## **442.2 POLICY**

The Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

## **442.3 CRIMINAL INTELLIGENCE SYSTEMS**

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff or designee has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### **442.3.1 SYSTEM ENTRIES**

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the CISA Unit. Any supporting documentation for an entry shall be retained by the CISA Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by CISA are appropriately marked as intelligence information. Such documents shall not be purged without the approval of the designated supervisor.

### **442.3.2 ENTRIES INTO CRIMINAL GANG INVESTIGATIVE DATA SYSTEM**

It is the designated supervisor's responsibility to approve the entry of any information

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into the criminal gang investigative data system maintained by the Minnesota Bureau of Criminal Apprehension and authorized by Minn. Stat. § 299C.091. Entries may be made if the individual is 14 years of age or older and the Office documents the following:

- (a) The Office has reasonable suspicion to believe that the individual has met at least three of the criteria or identifying characteristics of gang membership, developed by the Violent Crime Coordinating Council.
- (b) The individual has been convicted of a gross misdemeanor or felony, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

#### **442.4            TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

##### **442.4.1            FILE CONTENTS**

A temporary information file should only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system. Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Investigative Division, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information

##### **442.4.2            FILE REVIEW AND PURGING**

The contents of a temporary information file should not be retained longer than one year. At the end of one year, the contents should be purged or entered in an authorized criminal intelligence system, as applicable.

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The designated supervisor should periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

#### **442.5 INFORMATION RECOGNITION**

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should ensure that members are properly trained prior to accessing the system.

#### **442.6 RELEASE OF INFORMATION**

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Security and Records Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

#### **442.7 CRIMINAL STREET GANGS**

The Criminal Information Sharing and Analysis Unit (CISA) shall collect information on individuals who are suspected of participating in criminal gangs and groups that are suspected of being criminal gangs. Data collected may be submitted to the State of Minnesota gang pointer file system (Minn. Stat. § 299C.091).

- (a) A group of three or more individuals shall be designated a criminal gang when:
  - 1. They have a common name or common identifying sign or symbol.
  - 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
  - 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.

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- (b) An individual shall be designated as a suspected gang or security threat group member and may be entered into the CISA Criminal Information Management System, if they meet one or more of the nine point criteria established by the Minnesota Violent Crime Coordinating Council.
- (c) An individual shall be designated as a confirmed gang or security threat group member and may be submitted for inclusion into the CISA Criminal information Management System and/ or the state gang pointer file, when three or more of the 9-point criteria established by the Minnesota Violent Crime Coordinating Council have been met and has been convicted of a crime of violence or has been adjudicated as a juvenile of a crime that would qualify as a crime of violence under Minn. Stat. § 624.712 Subd. 5. The 9-point criteria have been established as follows:
1. An individual admits gang membership.
  2. An individual is arrested with a gang member.
  3. An individual displays a gang tattoo or brand.
  4. An individual wears clothing or symbols intended to identify with a gang.
  5. An individual appears in a photograph or image with a gang member engaging in gang activity or displaying gang signs or symbols.
  6. An individual's name appears on a gang roster.
  7. An individual is identified as a gang member by a reliable source.
  8. An individual is regularly observed or communicates with a gang member in furtherance or support of gang related activity.
  9. An individual produces gang specific writing or graffiti in furtherance or support of gang-related activity.
- (d) An individual may be designated as a suspected or confirmed gang member only when a trained staff member has established the individual meets the criteria established by the Minnesota Violent Crime Coordinating Council. The staff member belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.
- (e) A supervisor shall review and approve the criteria information on a suspected gang member before it is entered into the CISA Criminal Information Management System or sent to the State of Minnesota for potential inclusion into the state gang pointer file system.

## 442.8 TRAINING

Division/Unit commander should ensure training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt

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of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.



Document Number: **444**  
Document Name: **Watch Commander**  
Effective Date: *August 1, 2019*  
Document Status: *Approved*

#### 444.1 PURPOSE AND SCOPE

It shall be the policy of the Office to provide administrative command coverage during nighttime hours on weekends and holidays by having an assigned Watch Commander.

#### 444.2 DEFINITION

**Watch Commander** - A supervisor, with the rank of Lieutenant, assigned to provide administrative command as directed by the Sheriff or designee.

#### 444.3 DUTIES

The duties and responsibilities of the Watch Commander include:

- (a) Contacting the on-duty sergeant at Sheriff's 911 Dispatch at the start of the shift for a briefing regarding any special events or details occurring in the County that may require a response by the Water Commander.
- (b) Monitoring shift activity during the tour of duty, responding to any significant incident occurring within the County, assisting the incident commander and coordinating the response of Office resources.
- (c) Contacting all twenty-four hour operations and meeting with the on-duty supervisors and staff.
- (d) Making the appropriate notifications regarding any incidents and/or information deemed significant during the tour of duty.
- (e) Notifying the appropriate divisional supervisors in emergencies or when otherwise necessary.
- (f) Responding to any major incident within the County or as requested. Assisting the incident commander and ensure that Office policy is followed.
- (g) Overseeing the operation of any division in the absence of the regular commander(s), during a significant incident.
- (h) Any other assignment deemed significant to Administration.

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#### **444.4 SCHEDULE**

A night shift Watch Commander will be assigned to work seven days per week, 365 days per year, during the hours of 1400 to 0000.

A day Watch Commander will be assigned to work on weekends (Saturday and Sunday and holidays between the hours of 0700-1500.

The Enforcement Services Division will maintain the Watch Commander master schedule and disseminate updates as needed.

#### **444.5 UNIFORMS AND EQUIPMENT**

1. The official uniform of the day will be worn while on duty.
2. A marked Sheriff's Office vehicle will be used.
3. Day Watch Commanders will use their assigned Office radio call number.
4. Night shift Watch Commanders will use radio call number 1123.

#### **444.6 IMPORTANT CONTACT INFORMATION**

The Chief Deputy's support staff will maintain and disseminate a list of important contact information that may be needed by the Watch Commander. This information includes but is not limited to:

- (a) Sheriff's Administration
- (b) Night shift Watch Commander
- (c) Day shift Watch Commander
- (d) On-call Detective
- (e) On-call PIO

#### **444.7 EMPLOYEES DISCIPLINARY PROCEDURES/SUSPENSIONS**

The Watch Commander and Day Watch Commander are empowered with the authority to make emergency suspensions for serious violations of Office policy. They must consult with Sheriff's Administration and if this is not possible, they will follow the Disciplinary Procedures Policy.

#### **444.8 MEDIA**

All media inquiries must be directed to the Office's Director of Communications. When dealing with the media follow the Office's News Media Relations Policy. The Major of Enforcement Services shall be notified of all inquiries if the Director of Communications is unavailable.



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| Document Number: | <b>446</b>                      |
| Document Name:   | <b>Mobile Data Computer Use</b> |
| Effective Date:  | <i>August 1, 2015</i>           |
| Document Status: | <i>Approved</i>                 |

**446.1 PURPOSE AND SCOPE**

The Mobile Data Computer (MDC) accesses confidential records from the State of Minnesota, Bureau of Criminal Apprehension (BCA) databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

**446.2 MDC USE**

The MDC shall be used for official Office communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Office are strictly forbidden. MDC use is also subject to Office Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to public safety responders will be communicated by voice and MDC unless otherwise authorized by the Sheriff's Communication's Division Commander.

**446.2.1 USE WHILE DRIVING**

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

In an effort to minimize distracted driving, software may be installed in Office vehicles which will not allow deputies to type on the MDC keyboard while the vehicle is in motion. If a deputy needs to perform functions normally done by computer, the function should be done by an Office Telecommunicator. The MDC touch screen will continue to function.



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## **446.2.2 DOCUMENTATION OF ACTIVITY**

MDCs and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDC.

## **446.2.3 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the sheriff's radio or through the MDC system.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC.

## **446.3 MDC CONSIDERATIONS**

### **446.3.1 NON-FUNCTIONING MDC**

Whenever reasonably possible, deputies will not use units with malfunctioning MDCs. Whenever deputies must drive a unit in which the MDC is not working, they shall notify Communications Division. It shall be responsibility of Communications Division to record all information that will then be transmitted verbally over the sheriff's radio.

### **446.3.2 BOMB CALLS**

When investigating reports of possible bombs, deputies will turn off their MDCs. Operating the MDC may cause some devices to detonate.



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| Document Number: | <b>450</b>                              |
| Document Name:   | <b>Use of Audio and Video Recorders</b> |
| Effective Date:  | <i>January 29, 2021</i>                 |
| Document Status: | <i>Approved</i>                         |

#### **450.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use of audio and video recording devices by employees of this Office while in the performance of their duties. These recorders are intended to assist deputies in the performance of their duties by providing an unbiased audio record of a contact.

#### **450.2 ACTIVATION OF THE AUDIO RECORDER**

Deputy sheriffs of the Office are encouraged to activate their recorders any time the deputy sheriff reasonably believes a recording of an on-duty contact with a member of the public may be of future benefit (Minn. Stat. § 626A.02 Subd. 2 (c)).

- (a) At no time should a deputy sheriff jeopardize their safety in order to activate a recorder or change the recording media.
- (b) Deputy Sheriffs of the Office are prohibited from utilizing Office recorders and recording media for personal use.

Custodial interrogations shall be recorded, per the Scales Decision.

##### **450.2.1 RECORDING OF COMMUNICATIONS**

Deputy sheriffs may use an audio recorder to record wire or oral communications at any time. Recorded communications shall be maintained in their entirety, without editing or alterations.

#### **450.3 EMERGENCY INTERCEPTION OF COMMUNICATIONS**

A deputy sheriff may conduct an emergency interception of wire or oral communications if (Minn. Stat. § 626A.065):

- (a) They have been specially designated by the attorney general or county attorney,
- (b) They reasonably determine that an emergency situation exists that involves immediate danger of death or serious physical injury to any person that requires a communication be intercepted,
- (c) Grounds to issue a warrant exist.
- (d) Written or oral approval is obtained from a judge of the district court, of the Court of

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Appeals or of the Supreme Court.

#### **450.4 RETENTION OF RECORDING MEDIA**

Any time that a deputy sheriff records any portion of a contact which the deputy sheriff reasonably believes constitutes evidence in a criminal case, other than an interception of communications as identified in this policy § 450.4.1 and § 450.4.2, the deputy sheriff shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

The deputy sheriff shall further note in any related report that the recording has been placed into evidence.

Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

##### **450.4.1 SURREPTITIOUS USE OF THE AUDIO RECORDER**

Minn. Stat. § 626A.02 permits a person to surreptitiously listen to and record a wire, electronic, or oral communication where the person is a party to the communication or one of the parties to the communication has given their prior permission.

During the course of a criminal investigation, a deputy may surreptitiously listen to and record a telephone conversation where the deputy is a party to the conversation or one of the parties to the telephone conversation has given prior consent.

Employees shall not surreptitiously record another Office employee without a court order or unless lawfully authorized by the Sheriff or the authorized designee.

##### **450.4.2 NON-CRIMINAL MATTER**

Any time a deputy sheriff reasonably believes a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the deputy sheriff may book the recording media into safekeeping or download the file in accordance with current procedure for storing digital files.

- (a) Under such circumstances, the deputy sheriff shall notify a supervisor of the existence of the recording as soon as reasonably practicable.
- (b) Recording media that has been placed into safekeeping shall be retained for a period of time no less than required by this office's records retention schedule.

Once any recording medium has been filled, the deputy sheriff shall place it into safekeeping or download the file in accordance with current procedure for storing digital files, where it shall be retained for a period of no less than 180 days or the period dictated by this office's records retention schedule, whichever is longer.

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## 450.5 REVIEW OF RECORDED MEDIA FILES

Recorded files may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of a deputy sheriff's conduct.
- (b) Upon approval by a supervisor, any employee of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (c) By the personnel who originally recorded the incident.
- (d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case.



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|------------------|-----------------------|
| Document Number: | <b>458</b>            |
| Document Name:   | <b>Foot Pursuits</b>  |
| Effective Date:  | <i>August 1, 2015</i> |
| Document Status: | <i>Approved</i>       |

**458.1 PURPOSE AND SCOPE**

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the deputy, the public or the suspect.

**458.1.1 POLICY**

It is the policy of this office when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Office personnel, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Office personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Office personnel.

**458.2 DECISION TO PURSUE**

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Office personnel and the public at significant risk.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit,

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a deputy should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area
- (b) Canine search
- (c) Saturation of the area with patrol personnel
- (d) Aerial support
- (e) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

### **458.3 GUIDELINES FOR FOOT PURSUIT**

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), deputies should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the deputy is acting alone.
- (c) When two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of their location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing deputies do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the deputies renders them incapable of controlling the suspect if apprehended.
- (g) When the deputy loses radio contact with Sheriff's Communications Division or with backup deputies.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient deputies.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.

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- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
  - (k) The deputy loses possession of his/her firearm or other essential equipment.
  - (l) The deputy or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
  - (m) The suspect's location is no longer definitely known.
  - (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Office personnel or the public if the suspect is not immediately apprehended.
  - (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

## **458.4 RESPONSIBILITIES IN FOOT PURSUITS**

### **458.4.1 INITIATING DEPUTY RESPONSIBILITIES**

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of suspects and description
- (e) Whether the suspect is known or believed to be armed

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued

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for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify Sheriff's Communications Division of their location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

#### **458.4.2 ASSISTING DEPUTY RESPONSIBILITIES**

Whenever any deputy announces that they are engaged in a foot pursuit, all other deputies should minimize nonessential radio traffic to permit the involved deputies maximum access to the radio frequency.

Any deputy who is in a position to intercept a fleeing suspect or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with Office policy, based upon available information and their own observations.

#### **458.4.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Office guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

#### **458.4.4 SHERIFF'S COMMUNICATIONS DIVISION RESPONSIBILITIES**

Upon being notified or becoming aware that a foot pursuit is in progress, Sheriff's Communications Division personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, Sheriff's Communications Division personnel are also responsible for the following:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing deputy as needed.
- (c) Ensure that a dispatch supervisor and a field supervisor are notified of the pursuit.



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- (d) Relay all pertinent information to responding personnel.
  - (e) Contact additional resources as indicated.
  - (f) Coordinate response of additional resources to assist with the foot pursuit.

#### **458.5 REPORTING**

The initiating deputy shall complete the appropriate crime/arrest report documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (e) Any injuries or property damage.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating deputy need not complete a supplemental report in addition to the data normally created during the event.



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| Document Number: | <b>459</b>                                     |
| Document Name:   | <b>Automated Vehicle Locating System (AVL)</b> |
| Effective Date:  | <i>September 1, 2021</i>                       |
| Document Status: | <i>Approved</i>                                |

#### 459.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the implementation and use of the Automated Vehicle Locating (AVL) System available through the IT Maps program. The AVL System is designed to increase officer safety by providing the ability for dispatchers and other public safety personnel to see the locations of other public safety vehicles from their agency and surrounding agencies with their permission.

The IT Maps program will allow deputies and officers to see the location of other public safety vehicles for coordination and resource management during tactical situations, assists in improving response times to radio calls and situational awareness for all employees.

The Office's AVL is a Global Positioning System (GPS) which is integrated within the software of the Mobile Data Computer (MDC) and the Computer Aided Dispatch (CAD) systems and IT Maps program. AVL uses GPS data to locate and track field personnel units through CAD mapping.

AVL allows the Communications Division, other agency members and other agencies with the Offices permission to easily see the real-time locations of AVL equipped units on the CAD map. Knowing which units are in the vicinity of an active CAD call enables the 911 Dispatch Division and supervisors to make more informed decisions.

#### 459.2 PERMISSIONS

Disciplinary action is not the primary intent or purpose for using the AVL system; however, AVL system data may be used as an aid in any criminal and/or administrative investigation. The AVL system data may be used as a tool to investigate a complaint as one part of the fact-finding process. AVL system data may also be used as an investigative tool in a variety of other ways, including but not limited to the review of critical incidents such as officer involved accidents, pursuits or other vehicle operations or to more easily review pursuits to evaluate patrol routes.

Supervisors may utilize GPS tracking capabilities, systems, information or data to initiate a disciplinary investigation of any deputy based upon independent and reliable information, which either warrants or supports such an investigation.

Employees shall not disable, re-configure or otherwise tamper with a vehicle's AVL system in any way without prior authorization from the Sheriff or designee.



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Employees experiencing difficulty using the IT Maps AVL technology shall promptly report the problems to the Public Safety Line of Business IT through the 911 Dispatch Division.

### **459.3 DATA RETENTION**

AVL data shall be retained for 30 days. AVL data related to queries, such as driver's license and registration queries, run from the mobile data computers will be retained for 18 months.

### **459.4 AUDITS**

The Sheriff or designee may authorize random audits of field personnel to ensure system integrity and functionality.



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|------------------|---|
| Document Number: | <b>460</b>                                    |
| Document Name:   | <b>Automated License Plate Readers (ALPR)</b> |
| Effective Date:  | <i>July 20, 2023</i>                          |
| Document Status: | <i>Approved</i>                               |

## 460.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Hennepin County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 460.1.1 DEFINITIONS

**Automated License Plate Reader** – An electronic device mounted on a law enforcement vehicle or positioned in a stationary location that is capable of recording data on, or taking a photograph of, a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement database for investigative purposes (MN Stat. § 13.824).

## 460.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Public Safety Line of Business IT. The Enforcement Services Division (ESD) Commander will assign personnel under their command to administer the day-to-day operation of the ALPR equipment and data. The ALPR vendor is responsible for the annual maintenance/ support of all software, firmware and periphery equipment (e.g., camera, propriety components) via an annual maintenance support contract with ESD.

## 460.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Office personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose (Minn. Stat. § 13.09).

- (a) No member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.
- (b) An ALPR shall only be used for an official law enforcement purpose.

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- (c) An ALPR may be used in conjunction with any patrol operation or official Office investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
  - (d) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
  - (e) If practicable, the deputy should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.
  - (f) No ALPR operator may access MNJIS or NLETS data unless otherwise authorized to do so. ALPR operators must obtain clearance through the Bureau of Criminal Apprehension (BCA) prior to operating ALPR equipment or accessing ALPR data.
  - (g) The reader may not be used to monitor or track an individual subject of a criminal investigation unless authorized by a warrant or there are exigent circumstances to justify use without a warrant.

#### **460.4 ALPR DATA COLLECTION AND RETENTION**

All data and images gathered by an ALPR are for the official use of the Office. The data may contain nonpublic MNJIS or NLETS information. ALPR information gathered and retained by this office may be used and shared with others only as permitted by law. Collection and retention of ALPR data is subject to the following guidelines:

- (a) Data shall be transferred from patrol units to Office servers in accordance with Public Safety Line of Business IT data storage procedures.
- (b) All ALPR data captured during a shift should be transferred to the Office server before the end of each shift.
- (c) Public Safety Line of Business IT is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in Office vehicles to the Office server on a regular basis pursuant to Office policies.
- (d) Data that are inactive criminal investigative data are subject to destruction according to the retention schedule for the data.

Data collected by a reader not related to an active criminal investigation must be destroyed no later than 60 days from collection. Unless:

- (a) An active criminal investigation;
- (b) It is reasonable to believe it will become evidence in a criminal or civil action;
- (c) Upon written request, the individual who is a subject of a pending criminal charge or complaint (Minn. Stat. §13.824 Subd. 3(b).)
- (d) On written request from a Safe at Home program participant, the reader data must be destroyed at the time of collection or upon receipt of the request whichever occurs later.

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When appropriate, the applicable data should be downloaded from the server onto portable media and inventoried into evidence prior to the 31<sup>st</sup> day from collection.

#### **460.5 ACCOUNTABILITY AND SAFEGUARDS**

ALPR data is private unless access to the data is permitted by law. All saved data will be closely safeguarded and protected by both procedural and technological means. The Office will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Data Practices Compliance Official and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or office-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes. (Minn. Stat. § 13.824 Subd. 4).
- (e) ALPR system audits should be conducted biennially and results of those audits are public (Minn. Stat. § 13.824 Subd. 6).

#### **460.6 DISCIPLINE**

Improper or unauthorized use of the ALPR may result in progressive discipline, up to and including dismissal.



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| Document Number: | <b>466</b>                              |
| Document Name:   | <b>Criminal Conduct on School Buses</b> |
| Effective Date:  | <i>August 1, 2015</i>                   |
| Document Status: | <i>Approved</i>                         |

**466.1 PURPOSE AND SCOPE**

Criminal conduct on school buses has been identified by the legislature as a critical component for the safety and security of the community. The primary purpose of this policy is to provide deputies guidance in responding to reports of alleged criminal conduct on school buses. This office, in cooperation with any other law enforcement agency that may have concurrent jurisdiction over the alleged offense, is responsible for responding to all reports of criminal misconduct on school buses in this jurisdiction.

This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

**466.2 COMMUNITY COOPERATION**

The Office shall work with and consult with school officials, transportation personnel, parents and students to respond to these incidents to protect student safety and deal appropriately with those who violate the law.

**466.3 PROCEDURE**

This office shall respond to all criminal misconduct on school buses within the jurisdiction of this office regardless of the source of the report. Deputies should take reasonable actions to complete the following:

- (a) Provide for the safety of any person involved in the incident or present at the incident.
- (b) Coordinate any appropriate care.
- (c) Investigate reports of crimes committed on school buses using the same procedures as followed in other criminal investigations as appropriate for juveniles and/or adults.
- (d) Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses to the extent authorized by law.
- (e) Submit reports regarding the incident for review, approval and consideration for prosecution.
- (f) Complete follow-up and additional investigation as reasonably necessary to prepare a case pertaining to criminal conduct on school buses as required for prosecution.

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(g) Provide information to the relevant school regarding the incident as required or authorized by law.





Document Number: **468**  
Document Name: **Medical Aid and Response**  
Effective Date: *December 27, 2017*  
Document Status: *Approved*

**468.1 PURPOSE AND SCOPE**

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

**468.2 POLICY**

It is the policy of the Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

**468.3 FIRST RESPONDING MEMBER RESPONSIBILITIES**

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- a) The location where EMS is needed.
- b) The nature of the incident.
- c) Any known scene hazards.
- d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.

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3. Number of patients, sex and age, if known.
  4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS. Members should not direct EMS personnel whether to transport the person for treatment.

#### **468.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **468.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour hold in accordance with the Emergency Holds Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

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#### 468.5.1

#### SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

#### 468.6

#### MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

#### 468.7

#### AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Enforcement Services Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Office should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.

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- Procedures for ground personnel to communicate with flight personnel during the operation.

One office member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

## **468.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

### **468.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Division/Unit Commander or the authorized designee who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

### **468.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

### **468.8.3 AED TRAINING AND MAINTENANCE**

The Professional Standards Division should ensure appropriate training is provided to members authorized to use an AED.

The Professional Standards Division is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule

## **468.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Only deputies who receive training in the recognition of signs of opiate overdose and the use of opiate antagonists may administer opioid overdose medication. Deputies may administer opioid

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overdose medication in accordance with protocol specified by the Hennepin County Medical Center (HCMC) attending medical director for use by the deputy (Minn. Stat. § 151.37; Minn. Stat. § 604A.04).

#### **468.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Deputies who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Deputies should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Employee Development Unit.

#### **468.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any deputy administering opioid overdose medication should detail its use in an appropriate report.

#### **468.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Employee Development Unit should ensure training is provided to deputies authorized to administer opioid overdose medication (Minn. Stat. § 151.37).



# Hennepin County Sheriff's Office Policy Manual

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| Document Number: | <b>470</b>  |
| Document Name:   | <b>Public Assembly and First Amendment Activity</b> |
| Effective Date:  | <i>June 22, 2023</i>                                |
| Document Status: | <i>Approved</i>                                     |

## 470.1 PURPOSE

The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The Bill of Rights in Article 1 of the [Minnesota Constitution](#) addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

The Office supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to Office personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

## 470.2 POLICY

The Office will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

The policy of the Office regarding crowd management and crowd control is to 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 or First Amendment activity. Office personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights.

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstration or crowd events regardless of the permit status of the event.

Nothing in this policy should be perceived to overrule Hennepin County Sheriff's Office Use of Force policy when dealing with individual(s) at a protest.

This policy is to be reviewed annually.

### 470.2.1 DEFINITIONS

**Chemical Agent Munitions:** Munitions designed to deliver chemical agents from a launcher or hand thrown.

**Control Holds:** Control holds are soft empty hand control techniques as they do not involve striking.

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**Crowd Management:** Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

**Crowd Control:** Techniques used to address unlawful public assemblies.

**Deadly Force:** Force used by a deputy that the deputy knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm.

**Direct Fired Munitions:** Less-lethal impact munitions that are designed to be direct fired at a specific target.

**First Amendment Activities:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the [Minnesota State Constitution](#). The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

**Great Bodily Harm:** Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

**Legal Observers:** Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.

**Less-lethal Impact Munitions:** Impact munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.

**Media:** Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

### **470.3 LAW ENFORCEMENT PROCEDURES**

All deputies responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with the Office's uniform policy. The Sheriff or designee must maintain a record of any deputies at the scene who are not in compliance with this requirement due to exigent circumstances.

Deputies shall avoid negative verbal engagement with members of the crowd. Verbal abuse against deputies

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does not constitute a reason for an arrest or for any use of force against such individuals.

Deputies must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.

Deputies must not act or fail to act based on the opinions being expressed.

Deputies must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.

Deputies must not use a weapon or munition unless the deputy has been trained in the use and qualified in deployment of the weapon/munition.

This policy does not preclude deputies from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

To project uniformity and neutrality toward the public and other members of the Office, employees shall maintain high standards of their personal hygiene, grooming and appearance to promote a professional image appropriate for this office and for their assignment.

#### **470.4 RESPONSES TO CROWD SITUATIONS**

**A. Lawful assembly:** Individuals or groups present on the public areas generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering.

**B. Unlawful assembly:** The definition of an unlawful assembly has been set forth in Minn. Stat. [§609.705](#). The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or deputies are threatened with dangerous circumstances.

**C. Declaration of Unlawful Assembly:** If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the deputies announcing the declaration should be recorded, with the time(s) and date(s) documented. The dispersal order must include:

1. Name, rank of person, and agency giving the order
2. Declaration of Unlawful Assembly and reason(s) for declaration
3. Egress or escape routes that may be used
4. Specific consequences of failure to comply with dispersal order
5. How long the group has to comply

If practical, dispersal orders should also be given in other languages that are appropriate for the audience.

Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two



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escape/egress routes shall be identified and announced.

**D. Crowd Dispersal:** Unless emergency or dangerous circumstances make dispersal announcements impractical, crowd dispersal techniques should not be initiated until deputies have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse, and informing them that, if they do not disperse, they will be subject to arrest. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with deputy commands before action is taken. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, deputies may employ additional crowd dispersal tactics, but only after orders from the on-scene supervisor/incident commander.

The use of these crowd dispersal tactics shall be consistent with the Office policy of using the minimal deputy intervention needed to address a crowd management or control issue.

#### **470.4.1 DISPERSAL ORDERS**

HCSO Deputies will use the following dispersal order. This order has been reviewed and approved by the county attorney. The order should be read and time for the crowd to disperse should be given. The order should be read two more times with time between the order to give the crowd time to disperse. Should the crowd's activity become violent or criminal there may not be time to wait before action is taken.

*“May I have your attention please. I am (RANK & NAME) from the Hennepin County Sheriff’s Office. The Sheriff’s Office has declared this assembly unlawful under the laws of the State of Minnesota. Minnesota State Statute 609.715 prohibits remaining present at an unlawful assembly. You are hereby ordered to immediately disperse. Please do so quickly by (DIRECTIONS). If you do not cease your unlawful behavior and disperse, you will be arrested. You have (TIME) to leave the area. Thank you for your cooperation.”*

#### **470.5 TACTICS AND WEAPONS TO DISPERSE OR CONTROL A NON-COMPLIANT CROWD**

Nothing in this policy prohibits deputies’ abilities to use appropriate force options to defend themselves or others as defined in the Office’s Use of Force policy.

**A. Use of Batons** - Batons may only be used for crowd control as defined below:

1. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
2. When reasonably necessary for protection of the deputies or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion.
  - a. Deputies moving forward as a group in a line, stating “move back” while holding the baton and not making physical contact with anyone, does not qualify as a baton jab.
  - b. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or are actively resisting arrest.
  - c. The use of force, including baton jabs, should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
3. Deputies must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to the deputy or another.
4. Batons shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.

#### **B. Restrictions on Crowd Control and Crowd Dispersal**

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1. Canines shall not be used for crowd control, crowd containment, or crowd dispersal.
  2. Fire hoses shall not be used for crowd control, crowd containment, or crowd dispersal.
  3. Electronic Control Weapons (ECWs) shall not be used for crowd control, crowd containment, or crowd dispersal.
  4. Motorcycles and police vehicles shall not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.
  5. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
    - a. Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of direct fired munitions.
      - a. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, deputies, or the general public; or
      - b. is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
    - b. Deputies shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified. The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas.
    - c. When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions and if practical, an audible warning shall be given to the subject before deployment of the less lethal munitions.
  6. Aerosol Hand-held Chemical Agents shall not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander unless it complies with HCSO policy 308 regarding use on individuals.
    - a. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
    - b. Deputies shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
    - c. When possible, persons should be removed quickly from any area where handheld chemical agents have been used. Deputies must monitor the subject(s), provide aftercare to the extent possible and pay particular attention to the subject's ability to breathe following the application of a chemical agent.
    - d. A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.
  7. Chemical munitions use in a crowd situation is subject to the following:
    - a. Chemical munitions must be used only when:
      1. a threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,
      2. sufficient egress to safely allow the crowd to disperse exists, and
      3. the use of chemical munitions is approved by the on-scene supervisor/incident commander.
    - b. When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.
    - c. CN chemical munitions are prohibited.
    - d. The use of each chemical munition must be recorded (time, location), and the following information must be made available by the Office on request:
      1. The name of each chemical munition used in an incident.
      2. The location and time of use for each munition deployment.
      3. Access to the safety data sheet for chemical munition.

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- e. Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.
  - f. When chemical munitions are used, attempts shall be made to have medical responders on standby at a safe distance near the target area when feasible.
  - g. Chemical munitions are subject to the same procedural requirements as outlined in the Office's Use of Force policy.

### **C. Arrests**

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, deputies may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
3. Deputies must document any injuries reported by an arrestee and must obtain professional medical treatment for the arrestee as soon as practical.
4. Juveniles arrested in demonstrations shall be handled consistent with Office policy on arrest, transportation, and detention of juveniles.
5. Deputies arresting a person with a disability affecting mobility or communication must follow the Office policy on arrest, transportation, and detention of persons with disabilities.

### **470.6 HANDCUFFS**

All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with Office policy and procedures.

Deputies should be cognizant that flex-cuffs may tighten when arrestees' hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, deputies must examine the cuffs and ensure proper fit. Arrestees in flex-cuffs must be monitored to prevent injury.

Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

### **470.7 MEDIA**

The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.

Deputies will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.

The media must not be targeted for dispersal or enforcement action because of their media status.

Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

### **470.8 LEGAL OBSERVERS**

Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.

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Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observers and monitors to remain in an area after a dispersal order.

Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

#### **470.9 DOCUMENTATION OF PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY**

The purpose of any visual documentation by the Office of a public assembly or First Amendment activity must be related only to:

1. Documentation of the event for the purposes of debriefing,
2. Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or
3. Creating visual records for training purposes.

Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander. It must be done in a manner that minimizes interference with people lawfully participating in First Amendment activities.

Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.

Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.

If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with Office policies. If we save as potential evidence, it could be used for future litigation including civil. For example, what if deputy wants to file a suit? Also, because a judge or prosecutor refused to charge does not mean that there was not a crime committed, as we have seen. If we destroy or do so too quickly there could be longer term issues. If it is legally obtained it should be saved as such in the case file.

This directive shall not prohibit Office members from using these videos or footage from such videos as part of authorized training materials for deputies in crowd control and crowd dispersal techniques and procedures.



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| Document Number: | <b>500</b>                                 |
| Document Name:   | <b>Traffic Function and Responsibility</b> |
| Effective Date:  | <i>August 1, 2015</i>                      |
| Document Status: | <i>Approved</i>                            |

**500.1 PURPOSE AND SCOPE**

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, and traffic volume and conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

**500.2 TRAFFIC DEPUTY DEPLOYMENT**

Several factors are considered in the development of deployment schedules for deputies of the Office. Information provided by the Minnesota Office of Traffic Safety (OTS) is a valuable resource for traffic collision occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

**500.3 ENFORCEMENT**

Enforcement actions are commensurate with applicable laws and take into account the

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degree and severity of the violation committed. This office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions (Minn. Stat. § 169.985 and Minn. Stat. § 299D.08):

### **500.3.1                      WARNINGS**

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

### **500.3.2                      TRAFFIC CITATIONS**

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.

### **500.3.3                      TRAFFIC CITATION COURT JURISDICTION**

A deputy who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction (Minn. Stat. § 169.91 Subd. 3).

### **500.3.4                      PHYSICAL ARREST**

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (Minn. Stat. § 169.91):

- (a) Negligent homicide.
- (b) Driving under the influence of alcohol/drugs.
- (c) Hit-and-run resulting in serious injury or death.
- (d) Hit-and-run resulting in damage to any vehicle or property.

## **500.4                      HIGH-VISIBILITY VESTS**

The Office has provided American National Standards Institute (ANSI) Class II high-visibility

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vests to increase the visibility of office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

#### **500.4.1                    REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the Investigative Division may be used any time a plain clothes deputy might benefit from being readily identified as a deputy.

#### **500.4.2                    CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High-visibility vests shall be maintained in the trunk of deputies' vehicles assigned vests. Each vest should be stored inside the sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

A supply of high-visibility vests will be maintained in the appropriate divisions/units for replacement of damaged or unserviceable vests. The division/unit supervisor should be promptly notified whenever the supply of vests needs replenishing.



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| Document Number: | <b>501</b>                  |
| Document Name:   | <b>Arrest and Detention</b> |
| Effective Date:  | <i>August 1, 2015</i>       |
| Document Status: | <i>Approved</i>             |

**501.1 POLICY**

It shall be the policy of the Office that misdemeanor or gross misdemeanor traffic warrantless arrests resulting in a citation, tab charge, formal complaint or incarceration shall be reviewed by their supervisor. Filing of traffic-related arrest documents shall be at the Enforcement Services Division.

Traffic (petty misdemeanor and misdemeanor) citations may be reviewed by division/unit supervisors and shall be filed at the Enforcement Services Division.

Non-traffic warrantless arrests resulting in a citation, tab charge, formal complaint or incarceration shall be reviewed for accuracy and completeness by the Detective Unit.

**501.2 TRAFFIC MISDEMEANOR AND GROSS MISDEMEANOR ARREST PROCEDURES**

Deputies making an arrest shall minimally:

- Notify their supervisor as soon as possible.
- Submit the required forms along with the prisoner at the time and place of detention.
- Complete an arrest/incident report.

**501.3 NON-TRAFFIC ARREST PROCEDURES**

Deputies making an arrest shall minimally:

- Notify their supervisor and the Detective Unit as soon as possible.
- Submit the required forms along with the prisoner at the time and place of detention.
- Complete an arrest/incident report.

**501.4 REPORTS**

The arresting deputy shall document the arrest by preparing the reports/forms required by the type of arrest made. A copy of the completed report shall be forwarded to their division/unit supervisor by the end of shift unless otherwise directed by an on-duty supervisor. Documentation required for warrantless criminal arrests:

- If booked, a copy of the Authority to Detain and other required booking forms.



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- If cited, copies of citations.
  - Initial report of arresting deputy.
  - Additional follow-up reports.
  - Documentation required when applicable:
    - Witness statements
    - Vehicle Impound Report.
    - Property Inventory Receipt.
    - Copies of documents being served at time of arrest (i.e., arrest warrants, search warrants, civil process paper).

#### **501.5 INJURIES TO ARRESTEE**

If a suspect is injured during the commission of a crime, or during the arrest process, the arresting deputy shall provide for appropriate medical assistance. Use of force injuries shall be documented consistent with the Use of Force Policy. An incident report should be completed and an on-duty supervisor should be notified as soon as possible.

#### **501.6 SUPERVISORY REVIEW**

The arresting deputy's division/unit supervisor shall review the report:

- For presence of all required documents.
- For compliance with division and unit operating guidelines.
- To ensure that the elements of the alleged violation are adequately articulated in the reports.

Non-traffic arrest documentation shall be forwarded to the Detective Unit for processing before the end of the shift, unless otherwise directed by an on-duty supervisor. Traffic arrest documentation shall be forwarded to the Enforcement Services Division for processing by the end of shift, unless otherwise directed by an on-duty supervisor.

#### **501.7 INVESTIGATIVE REVIEW NON-TRAFFIC WARRANTLESS ARREST**

The Detective Unit supervisor or designee is responsible upon receipt of arrest documentation to review the documentation and determine the necessity of assigning a detective to the case for follow-up.



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| Document Number: | <b>502</b>                |
| Document Name:   | <b>Traffic Collisions</b> |
| Effective Date:  | <i>August 1, 2015</i>     |
| Document Status: | <i>Approved</i>           |

**502.1 PURPOSE AND SCOPE**

This policy provides guidelines for responding to and investigating traffic collisions.

**502.2 POLICY**

It is the policy of the Office to respond to traffic collisions and render or summon aid to injured victims as needed. The Office will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

**502.3 RESPONSE**

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this office and there is:
  - 1. A life-threatening injury.
  - 2. A fatality.
  - 3. A County vehicle involved.
  - 4. A County official or employee involved.
  - 5. Involvement of an on- or off-duty member of this office.
- (b) Is within another jurisdiction and there is:
  - 1. A County vehicle involved.
  - 2. A County official involved.
  - 3. Involvement of an on-duty member of this office.

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### **502.3.1 MEMBER RESPONSIBILITIES**

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).
- (f) Clearance and cleanup of the roadway.

### **502.4 NOTIFICATION**

If a traffic collision involves a life-threatening injury or fatality, the responding deputy shall notify a supervisor, or if unavailable, the Watch Commander. The Watch Commander or any supervisor may assign other appropriate personnel to investigate the incident. The Watch Commander will ensure proper notifications are made in accordance with policy.

#### **502.4.1 NOTIFICATION OF FAMILY**

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, office chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim's immediate family.

### **502.5 MINIMUM REPORTING REQUIREMENTS**

A collision report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), impaired driving or hit and run is involved.
- (b) An on-duty member of the County is involved.
- (c) The collision results in any damage to any County-owned or leased vehicle.
- (d) The collision involves any other public agency driver or vehicle.
- (e) There is damage to public property.

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- (f) There is damage to any vehicle to the extent that towing is required.
  - (g) Prosecution or follow-up investigation is contemplated.
  - (h) Directed by a supervisor.

#### **502.5.1 PRIVATE PROPERTY**

Generally, reports should not be taken when a traffic collision occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation involved. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

#### **502.5.2 COUNTY VEHICLE INVOLVED**

A traffic collision report shall be taken when a County vehicle is involved in a traffic collision that results in property damage or injury.

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a County vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The supervisor at the scene shall ensure that photographs are taken of the scene and the vehicle damage.

The supervisor at the scene shall make a determination if the damage is sufficient to require drug/alcohol testing in accordance with the County Drug/Alcohol Policy.

#### **502.5.3 INJURED ANIMALS**

Office members should refer to the Animal Control Policy when a traffic collision involves the disposition of an injured animal.

### **502.6 INVESTIGATION**

When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.

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- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

### **502.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY**

The on-duty supervisor should request that the Minnesota Department of Public Safety or other outside law enforcement agency investigate and complete a traffic collision investigation when a life-threatening injury or fatal traffic collision occurs within the jurisdiction of the Office and involves:

- (a) An on- or off-duty member of the Office.
  - 1. The involved member shall complete the office traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.
  
- (b) An on-or off-duty official or employee of the County.

Office members shall promptly notify a supervisor when any office vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

### **502.6.2 COMMERCIAL VEHICLE COLLISIONS**

Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):

- (a) A fatality.
- (b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.
- (c) One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 169.783).

## **502.7 ENFORCEMENT ACTION**

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

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## **502.8 REPORTS**

Office members shall utilize forms approved by the Minnesota Department of Public Safety as required for the reporting of traffic collisions (Minn. Stat. § 169.09, Subd. 9). All such reports shall be forwarded to the shift supervisor for approval and filing.

### **502.8.1 REPORT MODIFICATION**

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

### **502.8.2 UNIT SUPERVISOR RESPONSIBILITIES**

The responsibilities of the unit supervisor include, but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic collision information and statistics are forwarded to the Division Commander or other persons as required.
- (b) Forwarding the traffic collision report to the Department of Public Safety within 10 days of the collision investigation (Minn. Stat. § 169.09, Subd. 8).
- (c) Ensuring completion and submission of a Department of Public Safety Fatality Report when a collision results in a fatality.



Document Number: **510**  
Document Name: **Vehicle Towing and Release**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**510.1 PURPOSE AND SCOPE**

This policy provides the procedures for towing a vehicle by or at the direction of the Hennepin County Sheriff's Office and under the authority of Minn. Stat. §169.041.

**510.2 STORAGE AND IMPOUNDS**

Vehicles may be towed for violations of Minn. Stat. § 169.041, including parking, registration and snow emergency violations.

Vehicles may be moved or removed from a highway when in violation of Minn. Stat. § 169.32 (a) or when left unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic (Minn. Stat. § 169.041169.33).

The responsibilities of those employees storing or impounding a vehicle are as follows:

**510.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT**

Office members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the appropriate Office personnel as soon as practicable after the vehicle is stored.

Approved Vehicle Impound and Inventory Report forms shall be promptly placed into the auto-file so that they are immediately available for release or for information, should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the towing of any such vehicle, it shall be the responsibility of the impounding division/unit commander or designee to determine through MNJIS the names and addresses of any individuals having an interest in the vehicle. Notice to all such individuals shall be sent by certified mail within five business days of impound (Minn. Stat. § 168B.06 Subd. 1).

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## **510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION**

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies at the Sheriff's Communications Division.

If the owner is incapacitated or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call a company selected from the rotational list of towing companies. The deputy will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

## **510.2.3 DRIVING A NON-COUNTY VEHICLE**

Vehicles that have been towed by or at the direction of the Office should not be driven by sheriff's personnel unless necessary (e.g., move a vehicle a short distance to eliminate a hazard, to prevent the obstruction of a fire hydrant, to comply with posted signs).

## **510.2.4 DISPATCHER'S RESPONSIBILITIES**

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

## **510.2.5 DIVISION/UNIT'S RESPONSIBILITIES**

Each division/unit shall ensure the appropriate personnel promptly enter pertinent data from the completed Vehicle Impound and Inventory Report form into the stolen vehicle system. Approved forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this office has been recovered, the division/unit commander or designee shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. Upon recovery of a vehicle reported stolen to another agency, the division/unit commander or designee is to promptly inform the agency that the vehicle is recovered, where it is located and when it can be released to the owner (Minn. Stat. § 169.042 Subd. 1).



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### **510.3 TOWING AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Office will not be responsible for theft or damages.

### **510.4 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in custody, to provide for the safety of deputies and the public, and to protect the Office against fraudulent claims of lost, stolen or damaged property.

### **510.5 PRESERVATION OF EVIDENCE**

A deputy who removes a vehicle pursuant to Minn. Stat. § 169.041 is required to take reasonable and necessary steps to preserve evidence. If there is probable cause to believe that a vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or that a particular person has committed a criminal offense, deputies shall ensure that all legally required and reasonably necessary efforts are taken to preserve the evidence. Such evidence is to be provided safe storage and preserved until released to the owner or otherwise disposed of according to law (Minn. Stat. § 169.041 Subd. 4 (11)).

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## 510.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputy should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.



Document Number: **514**  
Document Name: **Impaired Driving**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**514.1 PURPOSE AND SCOPE**

This policy provides guidance to those office members who play a role in the detection and investigation of driving while impaired (DWI). For this policy, any reference to DWI also includes investigations of boating while impaired (BWI).

**514.2 POLICY**

The Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Minnesota's impaired driving laws.

**514.3 INVESTIGATIONS**

Deputies should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All deputies are expected to enforce these laws with due diligence.

**514.4 FIELD TESTS**

The Enforcement Services Division Commander should identify the primary field sobriety tests (SFSTs) and any approved alternate tests for deputies to use when investigating violations of DWI laws.

**514.5 CHEMICAL TESTS**

A person is deemed to have consented to a chemical test or tests under any of the following (Minn. Stat. § 169A.51, Subd. 1):

- (a) The arresting deputy has probable cause to believe the person was driving, operating or in physical control of a vehicle while impaired as defined by Minn. Stat. § 169A.20.
- (b) The deputy has probable cause to believe that the person is DWI and has been involved in a vehicle accident resulting in property damage, personal injury or death.
- (c) The deputy has probable cause to believe that the person is DWI and the person has refused to take the preliminary screening test provided for by Minn. Stat. § 169A.41.

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- (d) The person was administered a preliminary screening test and the results indicated an alcohol concentration of 0.08 or more.
  - (e) The deputy has probable cause to believe the person was driving, operating or in physical control of a commercial motor vehicle with the presence of any alcohol in the person's body.
  - (f) The person is unconscious or otherwise in a condition rendering the person incapable of refusal.

#### **514.5.1 STATUTORY WARNING**

At the time a test is requested, the arrestee must be informed by the deputy that (Minn. Stat. § 169A.51, Subd. 2):

- (a) Minnesota law requires the person to take a test;
- (b) Refusal to take a test is a crime;
- (c) If the deputy has probable cause to believe that the person has violated the criminal vehicular homicide and injury laws, the test will be taken with or without consent (Minn. Stat. § 169A.52 Subd. 1).
- (d) They have the right to consult with an attorney unless it would unreasonably delay administration of the test.

#### **514.5.2 BREATH SAMPLES**

The Enforcement Services Division Commander or designee should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Enforcement Services Division Commander or designee.

#### **514.5.3 BLOOD SAMPLES**

Only persons authorized by law to withdraw blood shall collect blood samples (Minn. Stat. § 169A.51, Subd. 7). The withdrawal of the blood sample should be witnessed by the assigned deputy. No deputy, even if properly certified, should conduct the blood withdrawal.

An arrestee may request a separate sample can be drawn for alternate testing. Unless medical personnel object two samples should be drawn and retained as evidence so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a

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blood test should not be treated a refusal. However the person may be required to complete another available and viable test.

#### **514.5.4 URINE SAMPLES**

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity to the extent reasonably possible while still ensuring the accuracy of the specimen.

The collection kit shall include any necessary completed forms. The collection kit should be refrigerated pending transportation for testing.

#### **514.6 REFUSALS**

When a person refuses to provide a chemical sample deputies should:

- (a) Advise the person of the requirement to provide a sample (Minn. Stat. § 169A.51, Subd. 1).
- (b) Audio-record the admonishment and the response when it is legal and practicable.
- (c) Document the refusal in the appropriate report.

#### **514.6.1 STATUTORY NOTIFICATIONS**

Upon refusal to submit to a chemical test as required by law deputies shall personally serve the notice of intention to revoke upon the person and invalidate the person's license in such a way that no identifying information is destroyed and immediately return the license to the person (Minn. Stat. § 169A.52, Subd. 7).

#### **514.6.2 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist and the deputy has probable cause to believe that the person has committed vehicular homicide or injury (Minn. Stat. § 169A.52, Subd. 1). Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's blood stream. Exigency can be established by the existence of special

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facts such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

### **514.6.3 FORCED BLOOD SAMPLE**

If a person indicates by word or action that he/she will physically resist a blood draw, the deputy should consult with a supervisor and the on-call Detective Unit to coordinate the application for a blood sample search warrant.

After the search warrant has been obtained, the responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when reasonably practicable.
- (d) Ensure that the withdrawal is taken in a medically approved manner.
- (e) The use of audio and/or video is permissible when reasonably practicable.
- (f) Monitor that the type and level of force applied is objectively reasonable under the circumstances.
- (g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor as set forth above.

## **514.7 ARREST AND INVESTIGATION**

### **514.7.1 RIGHT TO ATTORNEY CONTACTS**

A person has a limited right to consult with an attorney prior to submitting to a chemical test. This right is limited to the extent that it cannot unreasonably delay administration of the test (Minn. Stat. § 169A.51, Subd. 2).

### **514.7.2 ARREST AUTHORITY**

A deputy may arrest a person without a warrant and without regard to whether the offense was committed in the deputy's presence if there is probable cause to believe the person committed (Minn. Stat. § 169A.40):

- (a) A DWI offense (Minn. Stat. § 169A.20).

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(b) An alcohol-related school bus or Head Start bus driving offense (Minn. Stat. § 169A.31).

(c) An underage drinking and driving offense (Minn. Stat. § 169A.33).

### **514.7.3 DEPUTY RESPONSIBILITIES**

If a deputy requests that a person submit to a chemical test and the person refuses such request, the deputy shall report such refusal to the Commissioner of the Department of Public Safety (DPS) and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 1).

If a person refuses to submit to a test or in the alternative submits to a test and the results indicate a prohibited alcohol concentration the deputy shall immediately give notice to the person that his/her driving privilege will be revoked and shall (Minn. Stat. § 169A.52, Subd. 7):

(a) Issue the person a temporary license effective for only seven days.

1. Deputies are not required to issue a person a temporary license if the person's driving privilege is under withdrawal by DPS or if the person is unlicensed.

(b) Send the notification of this action to the Commissioner of the DPS along with the certification that there was probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while impaired, and that the person either refused to submit to a test or submitted to a test and the results indicated a prohibited alcohol concentration or drug presence.

Test results of a person that indicated a prohibited alcohol concentration or drug presence shall be forwarded to the Commissioner of the DPS and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 2).

### **514.7.4 PRELIMINARY SCREENING TEST**

A deputy who has reason to believe the person was driving, operating or in physical control of a motor vehicle while impaired, may require the person to provide a sample of the person's breath for a preliminary screening test using a device approved by the Department of Public Safety (DPS) Commissioner (Minn. Stat. § 169A.41, Subd. 1).

The deputy must use the results of the preliminary screening test for the purpose of deciding whether to arrest the person and require further chemical testing pursuant to Minn. Stat. § 169A.51 (Minn. Stat. § 169A.41, Subd. 2).

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**514.7.5****DESIGNATION OF TESTS**

The deputy who requires a test of a person suspected of DWI may direct whether the test is of blood, breath or urine (Minn. Stat. § 169A.51, Subd. 3). Action may be taken against a person who refuses to take a blood or urine test only if an alternative test was offered (Minn. Stat. § 169A.51, Subd. 3).

In addition a blood or urine test may be required subsequent to an administered breath test if the deputy has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

- (a) The person's impairment is due to a controlled substance or a hazardous substance that is not subject to testing by a breath test.
- (b) A controlled substance listed in Schedule I or II or its metabolite (other than marijuana or tetrahydrocannabinols), is present in the person's body.

Action may be taken against a person refusing to submit to a blood or urine test under the aforementioned circumstances only if an alternative test of blood or urine, as applicable, was offered.

**514.7.6****OFFENSE FOR REFUSAL**

A person who refuses to submit to a chemical test pursuant to Minn. Stat. § 169A.51 or Minn. Stat. § 169A.52 may also be charged with a separate criminal offense for such refusal (Minn. Stat. § 169A.20, Subd. 2).

**514.7.7****ADDITIONAL TESTING**

A deputy shall permit a person required to submit to a chemical test to have a qualified person of his/her own choosing administer a separate chemical test (Minn. Stat. § 169A.51, Subd. 7(b)). The separate chemical test shall;

- (a) Be conducted at the place where the person is in custody.
- (b) Be conducted after the deputy has administered the statutorily mandated test.
- (c) Impose no expense to the state.

**514.7.8****ADDITIONAL REQUIREMENTS FOR BREATH SAMPLES**

All breath samples requested in accordance with this policy shall be obtained in accordance with Minn. Stat. § 169A.51, Subd. 5.

**514.7.9****REPORTING**

The Enforcement Services Division Commander or designee shall ensure that the Office complies with all state reporting requirements (Minn. Stat. § 299C.06).



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## **514.8 CENTRAL RECORDS RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

## **514.9 ADMINISTRATIVE HEARINGS**

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Driver and Vehicle Services Division of the Department of Public Safety (DVS).

Any deputies who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Deputies called to testify at an administrative hearing should document the hearing date and the DVS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. Central Records or designee should forward this to the prosecuting attorney as part of the case file.

## **514.10 TRAINING**

The Employee Development Unit should ensure that deputies participating in the enforcement of DWI laws receive regular training. Training should include at minimum current laws on impaired driving, investigative techniques and rules of evidence pertaining to DWI investigations. The Employee Development Unit's Commander should confer with the prosecuting attorney's office and update training topics as needed.



Document Number: **516**  
Document Name: **Traffic Citations**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**516.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

**516.2 RESPONSIBILITIES**

Each Division shall be responsible for the supply and accounting of all traffic citations in compliance with state law (Minn. Stat. § 169.99 and Minn. Stat. § 169.999 Subd. 3).

Deputies will sign for the citation books when issued.

**516.3 DISMISSAL OF TRAFFIC CITATIONS**

Members of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Division Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Division Commander may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Division Commander for review.

Members of the Department shall provide a report or other verification to the owner of a stolen vehicle that may have received a citation during the time of the theft for the purpose of dismissing the citation (Minn. Stat. § 169.042 Subd. 2).

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## **516.4 VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation, including the appropriate "Request for Voiding Citation" form. The citation and completed form shall then be forwarded to the Division/Unit Commander for approval. Upon approval the citation and completed form will be forwarded to District Court.

## **516.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Division/Unit Commander. The Division/Unit Commander or the authorized designee shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

## **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed appropriately

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to their immediate supervisor.

## **516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Minnesota state law and local regulations (Minn. Stat. § 169.04 (a) (1)).

### **516.7.1 APPEAL STAGES**

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by the respective Division/Unit, which will review written documentary data. Requests for administrative reviews are available at each respective Division/Unit of the Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative

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file, amendments and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, an appellant may petition a municipal court for a hearing by filing with the clerk of the municipal court and posting fees as required.

### **516.7.2 TIME REQUIREMENTS**

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 days of issuance of the notice of parking violation, or within 10 days of mailing the Notice of Delinquent Parking Violation.
- (b) Requests for administrative hearings must be postmarked within 15 days of the notification mailing of the results of the administrative review.
- (c) Requests for appeal to the District Court must be made within 20 days of the mailing of the administrative hearing results.
- (d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

### **516.7.3 COSTS**

- (a) There is no cost for an administrative review.
- (b) Appellants must pay the full amount due for the citation or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.
- (c) An appeal through District Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the District Court.

### **516.8 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

- (a) When any juvenile is issued a citation for a drug or alcohol violation, or a juvenile 16 years of age or older is issued a citation for an adult court traffic offense, the deputy shall follow the arrest procedures prescribed in Minn. Stat. 169.91 and shall make reasonable

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effort to notify the child's parent or guardian of the violation and the nature of the charge. Notifications should be documented (Minn. Stat. § 260B.225 Subd. 3).

- (b) When any juvenile is issued a citation for a major traffic offense, the deputy is required to file a signed copy of the citation, as provided in Minn. Stat. § 169.91, with the juvenile court of the county in which the violation occurred. The citation serves as a petition providing the juvenile court jurisdiction (Minn. Stat. § 260B.225 Subd. 5).



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| Document Number: | <b>520</b>               |
| Document Name:   | <b>Disabled Vehicles</b> |
| Effective Date:  | <i>August 1, 2015</i>    |
| Document Status: | <i>Approved</i>          |

### **520.1 PURPOSE AND SCOPE**

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### **520.2 DEPUTY RESPONSIBILITIES**

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practicable.

### **520.3 EXTENT OF ASSISTANCE**

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Office personnel will be contingent on the time of day, the location, the availability of Office resources and the vulnerability of the disabled motorist.

#### **520.3.1 MECHANICAL REPAIRS**

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### **520.3.2 RELOCATION OF DISABLED VEHICLES**

The relocation of disabled vehicles by members of this office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.



Document Number: **524**  
Document Name: **Abandoned Vehicle Violations**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

## 524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of Minn. Stat. § 168B.04.

### 524.1.1 DEFINITION

Pursuant to Minnesota statutes, a vehicle is abandoned if:

- (a) The motor vehicle has remained illegally for more than 48 hours on any government-owned or -controlled property, or for more than four hours on that property when properly posted (Minn. Stat. § 168B.011 Subd. 2 (1)).
- (b) The motor vehicle has been properly tagged by a deputy and abandoned for four hours on any highway (Minn. Stat. § 168B.04, Subd. 2 (b) (1)).
- (c) The motor vehicle has been abandoned and located so as to constitute a collision or traffic hazard (Minn. Stat. § 168B.04 Subd. 2 (b) (1)).
- (d) The motor vehicle is unattended on private residential property, that is a single-family or duplex, without permission of the property caretaker (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).
- (e) The motor vehicle can be immediately removed if on private non-residential property if properly posted or after 24 hours if not posted (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).
- (f) The motor vehicle remains at a service, repair or maintenance establishment of motor vehicles five days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

## 524.2 DOCUMENTATION

At a minimum, the investigation of an abandoned or junked vehicle complaint shall be documented on the daily log and on an incident report. Deputies shall provide sufficient details in the narrative section of the report to indicate the nature of the complaint, any enforcement action taken, and other information relevant to the incident. Deputies shall also include a copy

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of the vehicle registration with their report. Additional report forms such as a 'Vehicle Impound/Inventory Report' and/or 'Notice to Vehicle Owner' may also be required based on the type of incident.

Unless otherwise directed by the on-duty ESD supervisor, deputies shall submit their completed daily logs, incident reports, and any other applicable paperwork for review at the end of their shift.

#### **524.2.1 VEHICLE STORAGE**

Any vehicle in violation of this Policy that is impounded as an abandoned or junked vehicle and towed by an authorized towing service will have the reporting deputy's initial ICR, reports and all supporting documentation forwarded to the Detectives Unit to ensure the vehicle information is entered in to NCIC Vehicle/Hot Files. The Detective Unit will coordinate any need to conduct further investigation involving the impounded/junked vehicle if questions arise to the vehicle being reported as stolen, property ownership and/or involved in other crimes.





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| Document Number: | <b>600</b>                           |
| Document Name:   | <b>Investigation and Prosecution</b> |
| Effective Date:  | <i>August 1, 2015</i>                |
| Document Status: | <i>Approved</i>                      |

## 600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, deputies shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

## 600.2 INITIAL INVESTIGATIONS

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination if a crime has been committed by completing, at a minimum, the following:
  - 1. Obtain an initial statement from any witnesses or complainants.
  - 2. Conduct a cursory examination for possible evidence.
- (b) If information indicates a crime has occurred:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) or assistance is necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or Shift Supervisor.
  - 4. Interview all available victims, informants, complainants, witnesses and suspects.
  - 5. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 6. Collect any evidence.
  - 7. Take any appropriate law enforcement action.
  - 8. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

An employee who is not a deputy assigned to any preliminary investigation is responsible for all investigative steps except making any attempt to locate, contact or interview a suspect or take any enforcement action. Should an initial investigation indicate those steps are required,

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the assistance of a deputy shall be requested.

### **600.3 RECORDING OF CUSTODIAL INTERROGATIONS**

Any custodial interrogation of a person who is suspected of having committed a criminal offense should be electronically recorded (audio/video or both as available) in its entirety, including any information or discussion about the person's rights and any waiver of those rights. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Deputies should also consider electronically recording a custodial interrogation, or any investigative interview, for any offense when the deputy reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation supervisor or pursuant to the Office records retention policy after closure of the case file. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes or otherwise authorized or required by law.

Deputies should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

### **600.4 FOLLOW-UP INVESTIGATIONS**

Follow-up investigations on all cases are evaluated and assigned by the Investigative Division supervisor for based upon caseload, case assignment and an evaluation of case solvability factors.

#### **600.4.1 CASE SOLVABILITY FACTORS**

Case solvability factors include, but are not limited to, the following:

- (a) Reliability of witnesses.
- (b) Suspect is named.
- (c) Suspect is described.
- (d) Suspect's location is known.
- (e) Suspect is identified.
- (f) Suspect has been previously seen.
- (g) Suspect vehicle is described.
- (h) Suspect vehicle is identified.

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- (i) Property is traceable.
  - (j) *Modus operandi* is significant.
  - (k) There is usable physical evidence.
  - (l) There was limited opportunity for anyone other than the suspect to commit the crime.
  - (m) The case may be solved with reasonable additional investigative effort.
  - (n) Other factors that are applicable only in exceptional circumstances:
    - 1. The case is of significant importance to the community.
    - 2. There is potential imminent danger to victims or witnesses.
    - 3. The seriousness of offense.
    - 4. There is a characteristic pattern, frequency or *modus operandi* related to the case.
    - 5. Management decisions to pursue a case regardless of solvability factors.

## **600.5 TRAINING**

Deputies shall receive training in preliminary investigations prior to assignment to any investigative duties. Deputies assigned to any follow-up or advanced investigations, or upon assignment to investigations, shall receive training in follow-up investigations as soon as practicable.

## **600.6 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS**

Deputies shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating deputy shall forward this report to the Minnesota Department of Human Services within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

- (a) The name, address and driver's license or state identification card number of the suspect
- (b) The number on each EBT card and name, if any
- (c) The date and location of any alleged offense
- (d) Any other information the Minnesota Department of Human Services may require on related state forms

## **600.7 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS**

Deputies must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If a deputy learns of potentially exculpatory information any time after submission of the case, the deputy must notify the prosecutor as soon as practical.

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Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. A deputy who is uncertain whether evidence or facts are material should address the issue with a supervisor.

A copy of an entire case file should be sent to the appropriate prosecutor's office. However, supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the office case file.



Document Number: **602**  
Document Name: **Sexual Assault Investigations**  
Effective Date: *September 30, 2019*  
Document Status: *Approved*

**602.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This Office strives to:

- 1) Afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim-centered approach;
- 2) Reaffirm deputies' authority and responsibility for conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;
- 3) Increase the opportunity for prosecution and victim services.

**602.2 POLICY**

It is the policy of the Office to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its deputies understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

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 this Office's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice process and promote public safety.

Deputies will utilize this policy in response to sexual assaults reported to this Office. The Office 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.

**602.3 DEFINITIONS**

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

**Consent** – As defined by Minn. Stat. 609.341, which states:

- (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the

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existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

- (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.
- (3) Corroboration of the victim's testimony is not required to show lack of consent.

**Child or Minor** – A person under the age of 18.

**Medical Forensic Examiner** – The health care provider conducting a sexual assault medical forensic examination.

**Sexual Assault** – A person who engages in sexual contact or penetration with another person in a criminal manner as identified in Minn. Stat. 609.342 to 609.3451.

**Family and Household Member** – As defined in Minn. Stat. 518.B.01 Subd.2 (b) to include:

- (1) spouses or former spouses;
- (2) parents and children;
- (3) persons related by blood;
- (4) persons who are presently residing together or who have resided together in the past;
- (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
- (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- (7) persons involved in a significant romantic or sexual relationship

**Sexual Assault Medical Forensic Examination** – An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

**Victim Advocate** – A Sexual Assault Counselor defined by Minn. Stat. 595.02, Subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, Subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

**Victim Centered** – A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

**Vulnerable Adult** – Any person 18 years of age or older who:

- 1) Is a resident or inpatient of a facility as defined in Minn. Stat. 626.5572 Subd. 6;
- 2) Receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

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- 3) Receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a](#), [256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
  - 4) Regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
    - a. That impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
    - b. Because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

## **602.4 PROCEDURES**

### **602.4.1 911 DISPATCH PERSONNEL RESPONSE**

Communications personnel and/or deputies should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing. If the victim is still wearing the clothing, wait until consulting the Detective Unit or Forensic Science Laboratory for possible photographs or other evidence collection considerations.
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

### **602.4.2 INITIAL DEPUTY RESPONSE**

When responding to a scene involving a sexual assault, deputies shall follow standard incident response procedures. In addition, when interacting with victims, deputies shall do the following:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
- 2) Immediately contact the Investigative Division's on-call Detective.
- 3) Attempt to determine the location/jurisdiction where the assault took place.
- 4) Explain the reporting process including the roles of the first responder, investigator and anyone else with whom the victim will likely interact during the course of the investigation.
- 5) Deputies are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for

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the local victim advocate. Upon victim request the deputy can offer to contact local victim advocate on behalf of the victim.

- 6) Consider what evidence may need to be preserved, secured and collected.
- 7) Ask about and document signs and symptoms of injury, to include strangulation.
- 8) Attempt to obtain a signed medical release from the victim.
- 9) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 10) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 11) Request preferred contact information for the victim for follow-up.

### 602.4.3 VICTIM INTERVIEWS

This Office recognizes that victims of sexual assault, due to their age or physical, mental or emotional distress, are better served by using trauma informed interviewing techniques and strategies with reduce the need for multiple interviews and are designed to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, deputies should consider the following:

- If the victim is a child, consult first with the Detective Unit to determine eligibility and scheduling for a forensic interview at Cornerhouse.
- Before conducting any formal interviews, first consult and coordinate with the Detective Unit.
- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.
- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, deputies should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
  - a) Whether the suspect was known to the victim
  - b) How long the victim knew the suspect
  - c) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  - d) The extent of their previous or current relationship
  - e) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  - f) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault



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- g) Relevant communication through social media, email, text messages, or any other forms of communication.

#### 602.4.4 SPECIAL CONSIDERATIONS

This Office recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this Office will be alert for victims who would be best served by the use of these specialized interview techniques. Deputies, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When a deputy determines that a victim requires the use of these specialized interview techniques, the deputy should follow the guidance below.

- 1) Minors and Vulnerable Adults
  - a) Deputies responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
    - i. Ensuring the safety of the victim;
    - ii. Ensuring the scene is safe;
    - iii. Safeguarding evidence where appropriate;
    - iv. Collecting any information necessary to identify the suspect; and
    - v. Addressing the immediate medical needs of individuals at the scene
  - b) Initial responding deputies should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Deputies, with the coordination of the Detective Unit, should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
  - c) Deputies responding to victims with special considerations must comply with the mandated reporting requirements of Minn. Stat. 626.556 and 626.557, as applicable. Deputies investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Deputies responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

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Deputies should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Deputies should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating deputy will follow up with information on a forensic interview.

The deputy should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2) Victims of Domestic Abuse

- a) Deputies responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

#### **602.4.5 PROTECTING VICTIM RIGHTS**

- 1) Confidentiality: Deputies should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, Subd. 17(b)
- 2) Crime Victim Rights: Deputies must provide the following information to the victim:
  - a) Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, Subd. 2(b)
  - b) If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, Subd. 3.
  - c) The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, Subd. 1.
  - d) Pursuant to Minn. Stat. 611A.26, Subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Deputies should provide to the victim the agency's crime report/ICR number, and contact information for the reporting deputy and/or investigator or person handling the follow up.
- 4) Language access: All deputies shall follow agency policy regarding limited English proficiency and communications with persons with disabilities.

#### **602.4.6 EVIDENCE COLLECTION**

The Office shall utilize the Forensic Science Laboratory in obtaining or processing the scene where the assault took place. This shall be in accordance with any and all other policies and procedures relating to evidence collection.

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Deputies shall follow this agency's policy on crime scene response. In addition, deputies may do the following:

- a) Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing.
- b) Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
- c) In situations where it is suspected that drugs or alcohol may have facilitated the assault, deputies should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d) If the victim has declined or a medical forensic exam will not be conducted, the deputy should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injuries that become visible after these photographs are taken.

#### **602.4.7                      SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS**

Prior to the sexual assault medical forensic examination the investigating deputy should do the following:

- 1) Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about the collection, storage and preservation of evidence in sexual assault cases.
- 2) Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Deputies and investigators cannot deny a victim the opportunity to have an exam.
- 3) Deputies should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, deputies should transport or arrange transportation for the victim to the designated medical facility.
- 4) Ask the victim for a signed release for access to medical records from the exam.

Deputies should not be present during any part of the exam, including during the medical history.

Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

#### **602.4.8                      CONTACTING AND INTERVIEWING SUSPECTS**

Prior to contacting the suspect, deputies should consider the following:

- 1) Consult with the Detective Unit.

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- 2) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for similar crimes, especially crimes involving violence.
  - 3) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.
  - 4) Interview the suspect in person whenever possible.
  - 5) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, deputies should do the following:
    - a) Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
    - b) Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.

For sexual assaults involving strangers, deputies should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator. All evidence must be collected pursuant to agency policy.

#### **602.4.9 FORENSIC EXAMINATION AND COLLECTION OF EVIDENCE FROM THE SUSPECT**

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating deputy/investigator, Forensic Medical Examiner, or the Forensic Science Laboratory personnel. The examination should be conducted at a different location than the victim's.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. Whenever possible, deputies/investigators should obtain a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, CSI, or forensic examiner should do the following:
  - a) Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
  - b) Collect biological and trace evidence from the suspect's body;
  - c) Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
  - d) Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
  - e) Document the suspect's relevant medical condition and injuries.

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#### **602.4.10**

#### **ROLE OF THE SERGEANT**

Supervisors may do the following:

- 1) Assist deputies investigating incidents of sexual assault when possible or if requested by a deputy.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

#### **602.4.11**

#### **CASE REVIEW AND CASE SUMMARY**

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions



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| Document Number: | <b>604</b>                       |
| Document Name:   | <b>Eyewitness Identification</b> |
| Effective Date:  | <i>January 29, 2021</i>          |
| Document Status: | <i>Approved</i>                  |

## 604.1 PURPOSE AND SCOPE

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

### 604.1.1 DEFINITIONS

Definitions related to the policy include:

**Administrator:** The law enforcement official conducting the identification procedure.

**Blind Administrator:** The administrator does not know the identity of the suspect, does not know which photo array member is being viewed by the eyewitness at any given time and is not involved in the investigation.

**Blinded Presentation:** The administrator may know the identity of the suspect but does not know which photo array member is being viewed by the eyewitness at any given time.

**Confidence Statement:** A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

**Filler:** A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

**Lineup** - A live presentation of live individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photo Array:** A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

**Sequential:** Presentation of a series of photographs or individuals to a witness one at a time.

**Show-up:** The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

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**Simultaneous:** Presentation of a series of photographs or individuals to a witness all at once.

## 604.2 POLICY

Deputies shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications and gather evidence that conforms to contemporary displaying the suspect and fillers sequentially using a blind or blinded administration.

## 604.3 INTERPRETIVE SERVICES

Deputies should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 604.4 EYEWITNESS IDENTIFICATION FORM

The Investigative Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and related forms should be reviewed at least annually and modified when necessary.

## 604.5 EYEWITNESS IDENTIFICATION

Deputies are cautioned not to in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Deputies should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Each witness should be advised that he/she is not required to make an identification of any person shown during an eyewitness identification process.

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Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

## 604.5.1 PHOTOGRAPHIC ARRAY AND LINE-UP CONSIDERATIONS

Basic procedures for conducting a line-up or photo array:

- a) Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.
- b) Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.
- c) The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.
- d) Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- e) Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- f) Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.
- g) If there is more than one suspect, include only one in each line-up or photo array.
- h) During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.
- i) Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.
- j) Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.
- k) The witness shall be given a copy of the Line-Up and Photo Array instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.
- l) The line-up or photo array should be shown to only one witness at a time; Deputies should separate witnesses so they will not be aware of the responses of other witnesses.
- m) Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.
- n) Deputies should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.
- o) Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.
- p) The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.
- q) Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.



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Photographic Arrays:

a) Creating a photo array:

1. Use contemporary photos.
2. Do not mix color and black and white photos.
3. Use photos of the same size and basic composition.
4. Never mix booking photos with other photos and ensure consistent appearance of photograph backgrounds and sizing.
5. Do not include more than one photo of the same suspect.
6. Cover any portions of booking photos or other photos that provide identifying information on the subject and similarly cover other photos used in the array.
7. Where the suspect has a unique feature, such as a scar, tattoo, mole or distinctive clothing that would make him/her stand out in the photo array, filler photographs should include that unique feature either by selected fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
8. Fillers should not be reused in arrays for different suspects shown to the same witness.

b) Conducting the photo array:

1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.
2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures:
  - i. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used.)
  - ii. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he/she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
  - iii. The administrator should position himself/herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he/she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon

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viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

Line-Ups:

- a) Conducting the line-up:
  1. Live line-ups shall be conducted using a blind administrator.
  2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
- b) The primary investigating deputy is responsible for the following:
  1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
  2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
  3. Making arrangements to have persons act as fillers.
  4. Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.
- c) 5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

## 604.5.2 SHOW-UP CONSIDERATIONS

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

- (a) Obtain and document a complete description of the suspect from the witness prior to conducting the show-up.
- (b) Assess whether a witness should be included in a field identification process by considering:
  1. The length of time the witness observed the suspect.
  2. The distance between the witness and the suspect.
  3. Whether the witness could view the suspect's face.
  4. The quality of the lighting when the suspect was observed by the witness.
  5. Whether there were distracting noises or activity during the observation.
  6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  7. The length of time that has elapsed since the witness observed the suspect.
- (c) Do not use a show-up procedure if probable cause to arrest the suspect has already been established.
- (d) Caution the witness that the person he or she is about to see may or may not be

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the perpetrator – and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.

- (e) If safe and practicable, the person who is the subject of the show-up should not be handcuffed, physically restrained by deputies or in a patrol vehicle.
- (f) When feasible, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- (g) Do not conduct the show-up with more than one witness present at a time.
- (h) Separate witnesses and do not allow communication between them before or after conducting a show-up.
- (i) Do not present the same suspect to the same witness more than once.
- (j) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- (k) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (l) Deputies should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.
- (m) If a witness positively identifies an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances, deputies should document the contact information for any additional witnesses for follow up, if necessary. Use a line-up or photo array for remaining witnesses.
- (n) Ask the witness to provide a confidence statement.
- (o) Videotape the identification process using an in-car camera or other recording device when feasible.
- (p) Document the time and location of the show-up, the deputies present, the result of the procedure and any other relevant information.

## **604.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.



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|------------------|-------------------------|
| Document Number: | <b>606</b>              |
| Document Name:   | <b>Asset Forfeiture</b> |
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## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses and controlled substance offenses (Minn. Stat. § 609.531 to Minn. Stat. § 609.5318).

## 606.2 POLICY

It shall be the policy of the Office that all employees of the Office, all employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which the Office serves as the fiscal agent, shall follow all State and Federal laws pertaining to the processing of property seized for forfeiture.

### 606.2.1 DECISION TO SEEK STATE OR FEDERAL FORFEITURE

All decisions to seek forfeiture under State or Federal law will be made after the case is reviewed by unit supervisors and the Office Financial Investigator.

## 606.3 DEFINITIONS

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

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

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

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**Fiscal Agent** – The person designated by the Office to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the Office seizes property for forfeiture or when the Office is acting as the fiscal agent pursuant to a multi-agency agreement.

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

**Forfeiture Reviewer** – The employee assigned by the Office responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the prosecutor's office.

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

**Seizure** - The act of law enforcement officials taking property (e.g., cash, vehicles) that has been used in connection with or acquired by illegal activities.

#### 606.4 PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

All property seized must have prior approval by a supervisor. The following property may be seized and is presumed to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:

- (a) All money, precious metals, and precious stones found in proximity to:
  - 1. Controlled substances;
  - 2. Forfeitable drug manufacturing or distributing equipment or devices; or
  - 3. Forfeitable records of manufacture or distribution of controlled substances.
- (b) All conveyance devices containing controlled substances with a retail value of \$100 or more if possession or sale of the controlled substance would be a felony under chapter 152.
- (c) All firearms, ammunition, and firearm accessories found:
  - 1. In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
  - 2. On or in proximity to a person from whom a felony amount of controlled substance is seized; or
  - 3. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under chapter 152. Seizure of property not listed above must be processed in coordination with the Office Financial Investigator and approved by the unit/division commander.

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## **606.5 ASSET SEIZURE**

Property may be seized for forfeiture as provided in this policy.

### **606.5.1 PROPERTY SUBJECT TO SEIZURE**

The following property is subject to seizure.

- (a) The following property may be seized upon review and approval of a supervisor and in coordination with the Forfeiture Reviewer:
  - 1. Controlled substances and associated property as described in Minn. Stat. 609.5311.
  - 2. Property intended for use to commit or facilitate the commission of a designated offense, as listed in Minn. Stat. § 609.531 Subd. 1(f) and limited by Minn. Stat. § 609.5312.
- (b) Property subject to administrative forfeiture may be seized without prior supervisor approval if the item has a retail value of \$50,000 or less (Minn. Stat. § 609.5314).
- (c) Property with a retail value of \$50,001 or greater shall follow judicial action (Minn. Stat. § 609.5313).

### **606.5.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the prosecuting agency's current minimum forfeiture thresholds should not be seized.
- (b) Cash totaling less than \$500, unless prerecorded buy funds are included in the cash seized.

### **606.5.3 SEIZURE OF PROPERTY TO BE FORFEITED**

A deputy may seize property subject to forfeiture based on a court order. A deputy may also seize property without a court order under any of the following conditions (Minn. Stat. § 609.531 Subd. 4):

- (a) The seizure is incident to a lawful arrest or a lawful search.
- (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.
- (c) The deputy has probable cause to believe that a delay to obtain a warrant or other process would result in the removal or destruction of the property and that either of the following apply:
  - 1. The property was used or is intended to be used in commission of a felony.
  - 2. The property is dangerous to health or safety.

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## 606.6 PROCESSING SEIZED PROPERTY FOR STATE FORFEITURE PROCEEDINGS

When any property as described above is seized, the deputy or officer making the seizure must prepare the proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the Notice, location and the date of seizure. Administrative forfeiture notices are not to be given for assets seized if the retail value of the asset exceeds \$50,000.00.

The Notice form also contains information in English, Hmong and Spanish concerning the right to obtain judicial review and the procedure to follow to obtain it. The form must be dated and signed by the deputy or officer conducting the seizure. An Office case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If they refuse, the deputy or officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. The yellow copy of the seizure form must be given to the individual served.

Photographs will be taken of all items seized. The photographs will be made part of the case file.

All property subject to and being processed for forfeiture through the Office must be held in the custody of the Office.

The deputy or officer conducting the seizure shall forward the original and pink copies of the Notice of seizure and property receipt, along with the seized property processing worksheet and reports to the Office Financial Investigator within 10 days of seizure.

### 606.6.1 CASH HANDLING

Deputies or officers shall not seize cash having an aggregate value less than \$300.00, unless pre-recorded buy funds are included in the cash seized. Cash shall be recounted and the amount verified by another employee of the Office. The property bag and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be turned over to the Office Finance Division within one business day of the seizure. Any exceptions must be approved by the unit/division commander and noted in the report.

Prior to deposit with the Office Finance Division, deputies or officers shall examine all cash seized to determine whether it contains any prerecorded buy funds. Deputies or officers shall document the recovery of all buy funds and deposit those funds with the Office Finance Division to be returned to the appropriate unit's buy fund account.

Deputies or officers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the number and denominations of cash bills

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seized from each individual. The property inventory shall also contain a detailed description of all checks, money orders and/or travelers' checks.

The deputy or officer conducting the seizure shall provide a copy of both sides of the completed property inventory receipt to the Office Financial Investigator.

It is the seizing deputy's or officer's responsibility to deposit the cash with the Office Finance Division.

### **606.6.2 JEWELRY/PRECIOUS METALS/PRECIOUS STONES**

Deputies or officers seizing jewelry, precious metals, and/or precious stones will write a detailed description of each item on the property inventory receipt and complete both sides of the property inventory receipt prior to inventorying the items at the Office Forensic Science Laboratory. A copy of both sides of the property inventory receipt and photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Office Financial Investigator.

Deputies or officers seizing jewelry, precious metals and/or precious stones shall deliver those items within 48 hours to the Office Forensic Science Laboratory for storage pending completion of the forfeiture process. Any exceptions must be approved by the unit/division commander and noted in the report.

### **606.6.3 CONVEYANCE DEVICES**

Upon seizure for forfeiture, all conveyance devices shall immediately be taken to either the Office Enforcement Services Division in Brooklyn Park to be stored in a secure designated area or to an Office approved impound facility. If the conveyance device is initially taken to an impound facility, it is the responsibility of the seizing deputy's or officer's supervisor to ensure that the conveyance device is moved to the ESD within five business days of seizure.

Deputies shall inventory the vehicle and its contents in accordance with the Office Policy on Property Procedures, and Vehicle Towing and Release. Deputies shall also complete applicable report forms as required by the Minnesota Department of Public Safety and distribute them appropriately.

The deputy or officer seizing a conveyance device shall remove all personal property from the seized conveyance device. Documents found in a conveyance device that indicate ownership or control of the conveyance device will be retained as evidence. Copies of these documents will be included in the forfeiture case file to be forwarded to the Office Financial Investigator. All other property not retained as evidence shall be released to the owner through the seizing deputy or officer.

All employees storing a seized conveyance device at the ESD will follow and complete all paperwork located in the ESD Vehicle Tracking Folder. The Tracking Folder will stay inside



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of the vehicle until the forfeiture case is completed. A copy of this paperwork will also be included in the forfeiture case file and will be forwarded to the Office Financial Investigator.

All conveyance devices stored at the ESD will be added to the inventory spreadsheet located on the Sheriff's Common Drive "P" in the Vehicles at Patrol folder. This will be done by the supervisor of the deputy or officer seizing the conveyance device.

#### **606.6.4 FIREARMS/AMMUNITION/FIREARM ACCESSORIES**

When firearms, ammunition, or firearms accessories are seized, they shall be inventoried and delivered to the Office Forensic Science Laboratory in accordance with the current booking procedures and the Property Procedures Policy. If the person believed to be in possession of the firearm is prohibited by law from possessing same, the report shall designate that the firearm shall be stored "pending prosecution."

#### **606.7 DISPOSITION OF FORFEITED PROPERTY**

Legal disposition may include (Minn. Stat. § 609.5315):

- (a) Retention by the Department and/or prosecuting agency.
  - 1. If a forfeited motor vehicle is kept for Department use, the Department will make a reasonable effort to ensure the vehicle is available for use and adaptation by deputies who participate in the Department's Drug Abuse Resistance Education program (Minn. Stat. §609.5315).
- (b) Destruction.
- (c) Sale performed in a commercially reasonable manner.
- (d) Other disposition pursuant to applicable provisions of Minnesota Statutes.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Office has given written authorization to retain the property for official use.

Members of this department or persons related to members of this department by blood or marriage are prohibited from purchasing forfeited items sold by this department (Minn. Stat. § 609.5315 Subd. 1(c)).

#### **606.8 CASE FILE STATUS**

It shall be the responsibility of the Office Financial Investigator and the division/unit commander/supervisor to update all changes to forfeiture status. The updates shall be documented in the seizure database by the Office Financial Investigator as soon as the information regarding a change to forfeiture status is received. The Office Financial Investigator shall forward all changes to forfeiture status to the division/unit commander/supervisor who initiated the case.

#### **606.9 REPORT WRITING**

Deputies and officers seizing property must complete a report. All reports must include

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a description of the items seized, where the property is being stored, the name of the individual served, the date that the seizure form was served, the name of the serving deputy/officer, and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form. The report must indicate if pre-recorded Office buy funds were recovered within the seized property.

All reports dealing with seized property will be completed within 24 hours of the seizure.

Any deviation from this policy requires the deputy or officer's unit supervisor's approval accompanied by a written explanation to be placed in the case file.

## **606.10      TRAINING**

All deputies and officers assigned to units/division that can reasonably be expected to make seizures under Minn. Stat. § 609.531 shall receive training in the proper handling and processing of seized assets.



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|------------------|--------------------------------|
| Document Number: | <b>608</b>                     |
| Document Name:   | <b>Confidential Informants</b> |
| Effective Date:  | <i>July 20, 2023</i>           |
| Document Status: | <i>Approved</i>                |

### 608.1 PURPOSE AND SCOPE

It is the policy of the Office to establish procedures and protocols that take necessary precautions concerning the recruitment, control, and use of confidential informants.

### 608.2 DEFINITIONS

**Confidential Informant (CI):** A person who cooperates with a law enforcement agency confidentially in order to protect the person or the Office's intelligence gathering or investigative efforts and;

1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and
2. is able, by reason of the person's familiarity or close association with suspected criminals, to:
  - a. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
  - b. supply regular or constant information about suspected or actual criminal activities to a law enforcement Office; or
  - c. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

**Confidential Informant File:** means a file maintained to document all information that pertains to a confidential informant.

**Controlled Buy:** means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

**Controlled Sale:** means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

**Mental Harm:** means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

**Target Offender:** means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

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**Unreliable Informant File:** means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.

**Compelling Public Interest:** means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

**Overseeing agent:** means the deputy primarily responsible for supervision and management of a confidential informant.

### 608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, a deputy must receive approval from the Detective Unit supervisor. The deputy shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

#### 608.3.1 INITIAL SUITABILITY DETERMINATION

An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. A deputy requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the Detective Unit supervisor to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:
  - a. Age, sex, and residence
  - b. Employment status or occupation
  - c. Affiliation with legitimate businesses and illegal or suspicious enterprises
  - d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
  - e. Relationship with the target of an investigation
  - f. Motivation in providing information or assistance
  - g. Risk of adversely affecting an existing or future investigation
  - h. Extent to which provided information can be corroborated
  - i. Prior record as a witness
  - j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime
  - k. Risk to the public or as a flight risk
  - l. Consultation with the individual's probation, parole, or supervised release agent if any
  - m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability
  - n. Relationship to anyone in law enforcement

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- o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement
      - p. Prior or current service as a CI with this or another law enforcement organization
  2. Prior to an individual's use as a CI, a supervisor or designee must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.
  3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:
    - a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or
    - b. is participating in a treatment-based drug court program or treatment court; except that
    - c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.
  4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.
  5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.
  6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services Office, or other substance abuse and mental health services.
  7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in III.A.1.a–p, and III.A.3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.
  8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.
  9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.
  10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

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### **608.3.2 EXIGENT CONFIDENTIAL INFORMANTS**

Certain circumstances arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:

- a. The individual is not excluded from utilization as a CI under 608.3.1 (3) of this policy; and
- b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
- c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.

Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

### **608.3.3 SPECIAL CI APPROVAL REQUIREMENTS**

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the Sheriff or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles
  - a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.
  - b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*
  - c. Juveniles under the guardianship of the State may not be used as a CI.
2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

### **608.3.4 GENERAL GUIDELINES FOR OVERSEEING CIs**

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the Office, not the individual overseeing agent.
2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.
3. CIs must not be used without authorization of the Office through procedures identified in this policy.
4. CIs must not be used to gather information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement Office.

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6. All CIs must sign and abide by the provisions of the Office's CI agreement.
  7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.
  8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
    - a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section 608.3.5 of this policy must be followed.
    - b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.
    - c. CIs found engaging in any illegal activity beyond what is authorized by the Office and conducted while under the supervision of an overseeing agent, will be subject to prosecution.
    - d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.
    - e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without Office direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or Office.
    - f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.
    - g. CIs may be directed to wear a listening and recording device.
    - h. CIs must be required to submit to a search before and after a controlled purchase.
    - i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the Office must promptly report that activity or meeting to their overseeing agents.
  9. CI activity outside jurisdictional boundaries:
    - a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the Office must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
    - b. Any decision to defer or delay notice to or coordinate with an outside Office having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the Sheriff or their designee.
  10. Deputies must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
  11. No member of this Office must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.

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12. Members of this Office must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
  13. Meetings with a CI must be conducted in private with another deputy or agent present and with at least one deputy or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
  14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the Office and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.
  15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
  16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
    - a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.
    - b. Overseeing agents must document:
      - i. the screening,
      - ii. any referral to services provided to, or requested by, the CI, and
      - iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.
    - c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.
  17. Reasonable protective measures must be provided for a CI when any member of this Office knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this Office.
  18. Overseeing agents must:
    - a. evaluate and document the criminal history and propensity for violence of target offenders; and
    - b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
  19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
  20. Whenever possible, deputies must corroborate information provided by a CI and document efforts to do so.
  21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.



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22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the Office is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
  23. Individuals leaving employment with the Office have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

### **608.3.5 ESTABLISHMENT OF AN INFORMANT FILE SYSTEM**

An informant file system must be established as follows:

1. The Sheriff must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the Office.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.
4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
  - a. Name, aliases, and date of birth
  - b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
  - c. Emergency contact information
  - d. Name of the deputy initiating use of the informant and any subsequent overseeing agents
  - e. Photograph and criminal history record
  - f. Current home address and telephone number(s)
  - g. Residential addresses in the last five years
  - h. Current employer, position, address, and telephone number
  - i. Social media accounts
  - j. Marital status and number of children
  - k. Vehicles owned and their registration numbers
  - l. Places frequented
  - m. Gang affiliations or other organizational affiliations
  - n. Briefs of information provided by the CI and the CI's subsequent reliability
  - o. Special skills and hobbies
  - p. Special areas of criminal expertise or knowledge
  - q. A copy of the signed informant agreement
5. CI files must be maintained in a separate and secured area.
6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to deputies and other authorities who have a need and a right to such information.
7. CI File Review
  - a. Sworn personnel may review an individual's CI file only upon the approval of the Sheriff or their designee.
  - b. The requesting deputy must submit a written request explaining the need for review. A copy of this request, with the deputy's name, must be maintained in the individual's CI file.
  - c. Deputies must not remove, copy, or disseminate information from the CI file.

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- d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
  - e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting deputy or Office, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.

### **608.3.6 DEACTIVATION OF CONFIDENTIAL INFORMANTS**

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
  - a. The name of the Office.
  - b. The name of the CI.
  - c. The control number of the CI, where applicable.
  - d. The date of deactivation.
  - e. The reason for deactivation.
  - f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.
  - g. A notification that the Office will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
  - h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.
  - i. A signature by the overseeing agent.
2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

### **608.3.7 MONETARY PAYMENTS**

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the Office.
2. All CI payments must be approved in advance by the deputy in charge of confidential funds.
3. Deputies must provide account of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two deputies must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the Sheriff or designee, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with Office policy.

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6. If a CI is authorized to work with another law enforcement or prosecutorial Office, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each Office and consistent with provision 608.3.6 (f) of this policy.
  7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.



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**610.1 PURPOSE AND SCOPE**

The Office is committed to fostering a welcoming environment for all people. The Office also strives to promote public safety by fostering a positive relationship with the county's immigrant communities and encouraging all members of the community to cooperate with law enforcement regardless of immigration status.

The purpose of this policy is to inform Office personnel of the [U-Visa process](#), by which a non-citizen victim may report crime and be granted temporary permission to remain in the United States without fear of deportation.

**610.1.1 U-VISA**

The U-Visa was created to provide temporary immigration benefits to undocumented immigrants who are victims of qualifying criminal activity and to their qualifying family members, as appropriate. The U-Visa is available to undocumented immigrants who have met each of the five points below:

1. Has been the victim of one or more qualifying crimes;
2. Has suffered substantial physical or mental abuse as a result of having been a victim of one or more qualifying crimes;
3. Has useful information concerning the crime which occurred;
4. Has helped, or is likely to help, in the investigation or prosecution of the crime; and
5. The crime committed violated the laws of the United States or occurred in the United States.

**610.1.2 QUALIFYING CRIMES**

The serious crimes listed in the table below are qualifying crimes. If they have been a victim of one or more of these crimes and cooperate with authorities, they may be eligible to apply for a U-Visa.

- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Female Genital Mutilation
- Felonious Assault
- Fraud in Foreign Labor Contracting

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- Hostage
  - Incest
  - Involuntary Servitude
  - Kidnapping
  - Manslaughter
  - Murder
  - Obstruction of Justice
  - Peonage
  - Perjury
  - Prostitution
  - Rape
  - Sexual Assault
  - Sexual Exploitation
  - Slave Trade
  - Stalking
  - Torture
  - Trafficking
  - Witness Tampering
  - Unlawful Criminal Restraint
  - Other Related Crimes (includes any similar activity where the elements of the crime are substantially similar. Also includes attempt, conspiracy, or solicitation to commit any of the above and other related crimes.)

## 610.2 PROCEDURES

The Office is strongly committed to timely reviewing and, where appropriate, certifying U-Visa applications. The Office has adopted the following procedures to guide its certification in the review of these applications:

1. The Sheriff will designate one person who is primarily responsible for review of applications.
2. All persons requesting a U-Visa certification will complete and submit [USCIS Form I-918](#), supplement B, U Nonimmigrant Status Certification, along with any supporting documentation.
3. Upon receipt, the designee will review all supporting documentation submitted by the applicant or the applicant's representative to ensure we have all the necessary information and to determine if the form was sent to the correct agency.
4. The Office will review each request for certification on a case-by-case basis.
5. The Office will strive to act on each request for certification within thirty (30) business days. The form shall only be signed by the Sheriff or their designee. Signed applications will be mailed back to the victim or their representative.
6. Victims or derivative applicants of victims who are in removal proceedings must affirmatively make a request of expedited proceedings to the Office. The Office will strive to act on requests for certification from victims or derivative applicants of victims in removal proceedings within seven business days whenever possible.
7. An applicant may request that a certifying agency reconsider its decision by presenting additional or different information or evidence in support of the request. If an applicant requests reconsideration of the determination, the Office will strive to act on the request for reconsideration within fourteen business days.
8. All data provided to the Office in support of certification requests will be maintained as confidential to the extent permitted by the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13.

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### 610.3            TERMINATION OF A U-VISA

HCSO understands the agency can withdraw a certification at any time. To terminate, withdraw, or revoke a certification, the certifying official should contact USCIS by emailing [LawEnforcement\\_UTVAWA.VSC@uscis.dhs.gov](mailto:LawEnforcement_UTVAWA.VSC@uscis.dhs.gov). This request should include:

1. The certifying agency's name and contact information;
2. Victim's name and date of birth;
3. Victim's alien registration number (A-number), if known;
4. Name of person who signed certification and the date it was signed;
5. The reason the agency is withdrawing/disavowing the certification;
6. Signature and title of official withdrawing/disavowing; and
7. A copy of original certification attached, if available



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| Document Number: | <b>700</b>                                |
| Document Name:   | <b>Office-Owned and Personal Property</b> |
| Effective Date:  | <i>August 1, 2015</i>                     |
| Document Status: | <i>Approved</i>                           |

**700.1 PURPOSE AND SCOPE**

Office employees are expected to properly care for Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or office property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

**700.2 DOCUMENTATION OF ISSUED PROPERTY**

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Office, all issued equipment shall be returned and documentation of the return signed by a supervisor.

**700.2.1 CARE OF OFFICE PROPERTY**

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of office property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any office-issued property or equipment assigned for their use.
  - 1. A supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Captain that shall include the result of his/ her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
  - 2. A review by Staff to determine whether misconduct or negligence was involved should be completed.
  
- (b) The use of damaged or unserviceable office property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Office property as soon as available and following notice to a

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supervisor.

- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Office property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) In the event that any Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### 700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Sheriff or designee. The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties nor comprising a weapon is excluded from this requirement. The Sheriff or designee should review the request and approved or deny the request as appropriate.

#### 700.3.1 DEFINITIONS

**Personal Property** - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

#### 700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate division/unit commander that shall include the result of their investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the division/unit commander, who will then forward the claim to the Finance Department.

The Office will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.



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### **700.3.3 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to personal property or property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to their immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate division/unit commander.



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|------------------|---------------------------------------|
| Document Number: | <b>702</b>                            |
| Document Name:   | <b>Personal Communication Devices</b> |
| Effective Date:  | <i>August 1, 2015</i>                 |
| Document Status: | <i>Approved</i>                       |

**702.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices whether issued by the Office or personally owned, while on- duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

**702.2 POLICY**

The Office allows employees to utilize office-issued PCDs and to possess personally owned PCDs in the workplace subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

**702.3 PRIVACY POLICY**

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any office-provided or -funded PCD, computer, Internet service, telephone service or other wireless

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service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if office equipment is used.

In accordance with this policy supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on office- issued or personally owned PCDs that have been used to conduct office-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as reasonably practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Sheriff or designee. All such searches shall be fully documented in a written report.

#### **702.4 OFFICE-ISSUED PCD**

Depending on an employee's assignment and the needs of the position, the Office may at its discretion issue a PCD. Office-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

#### **702.5 PERSONALLY OWNED PCD**

Office members are prohibited from possessing or using any PCD while assigned and working at a work station or duty post where contact with the public, clients, or inmates, whether in-person or via telephone, is a primary job function.

Authorized employees may carry a personally owned PCD while on-duty subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Office accepts no responsibility or liability for loss of or damage to a personally owned PCD.
- (c) Employees shall promptly notify the Office in the event the PCD is lost or stolen.
- (d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (e) The device should not be used for work-related purposes except in exigent circumstances, (e.g. unavailability of radio communications). Employees have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any office business-related

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communication.

- (f) The device shall not be utilized to record or disclose any business-related data, including photographs, video or the recording or transmittal of any data or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (g) Use of a personally owned PCD constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Office with all telephone access numbers of the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty.

### **702.5.1 PUBLIC RECORDS**

Work related information including data created, received, recorded or stored on a personally owned PCD in the course of office duties is considered government data subject to the requirements of the Minnesota Government Data Practices Act and discovery obligations (Minn. Stat. § 13.01 et seq.).

### **702.6 USE OF PERSONAL COMMUNICATION DEVICES**

Except with prior express authorization from their supervisor, the following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in a carrier approved by the office.
- (b) All PCDs in the workplace should be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for or as a way to avoid or in lieu of regular radio communications.
- (e) Deputies are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means without the express authorization of the Sheriff or the authorized designee or contrary to data practices policies and procedures may result in discipline.
- (f) Employees will not access social networking sites while on-duty for any purpose that is not official office business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct

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with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor

## **702.7 SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent reasonably practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

## **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where reasonably practicable, stop the vehicle at an appropriate location to use the PCD.

Employees operating emergency vehicles may use cellular telephones or other personal communication devices while driving for official duties only (Minn. Stat. § 169.475).

No member may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic (Minn. Stat. § 169.475).

## **702.9 OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive data is not inadvertently transmitted. As soon as reasonably possible, employees shall change over to conduct sensitive or private communications on a land-based or other office communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available



Document Number: **706**  
Document Name: **Vehicle Use**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**706.1 PURPOSE AND SCOPE**

The organization utilizes County-owned motor vehicles in a variety of applications operated by Office members. This policy establishes a system of accountability to ensure County-owned includes any vehicle owned, leased or rented by the County.

**706.2 POLICY**

The Office provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Office, tactical deployments and other considerations.

**706.3 USE OF VEHICLES**

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to office-related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a Global Positioning Satellite device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

**706.3.1 SHIFT ASSIGNED VEHICLES**

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on-duty. If the vehicle is not equipped with a working in-car computer, they shall notify Sheriff's Communications Division for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The division/unit supervisor shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained per the

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Office's record retention schedule.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place or operate a vehicle in service that has less than three-quarter tank of fuel. Vehicles shall only be refueled at an authorized location.

### **706.3.2 UNSCHEDULED USE OF VEHICLES**

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify their immediate supervisor of the reasons for use. A notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, investigators).

### **706.3.3 UNMARKED VEHICLES**

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

### **706.3.4 AUTHORIZED PASSENGERS**

Personnel operating Office-owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

### **706.3.5 PARKING**

County-owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

### **706.3.6 INSPECTIONS**

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

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### 706.3.7 PRIVACY

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents

### 706.4 ASSIGNED VEHICLE AGREEMENT

Assignment determination and criteria for use of vehicles include the following:

- (a) County-owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes.
- (b) Vehicles should be operated in accordance with Office policy and state law.
- (c) Vehicles shall not be used for unapproved use, either on- or off-duty and they are restricted to operation by Office employees, deputy sheriffs assigned to the office or by officers under their direction.
- (d) The assignment of vehicles may be suspended when the deputy is unable to perform their regular assignment.
- (e) The assignment of vehicles is at the discretion of the Sheriff or designee.
- (f) Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.
- (g) Deputies who live outside the County who may be assigned a vehicle may be required to secure or garage the vehicle at a designated location at the discretion of the Sheriff or designee.
- (h) Take home vehicles will not be used by employees when off-duty with the following exceptions:
  - 1. On-call administrative positions, the Sheriff, Chief Deputy, Majors and Captains.
  - 2. On-call detectives.
  - 3. In circumstances when a deputy has been placed on-call due to an incident call out, a critical incident etc. and there is a high possibility the deputy will be called back to duty.
  - 4. When the deputy is performing a work-related function while off-duty, including vehicle maintenance or traveling to or from a work-related activity or function.
  - 5. When a deputy has received permission for the use of the take home vehicle from their immediate supervisor.
- (i) Employees are prohibited from operating a County-owned vehicle when on- or off-duty if the deputy is or has been consuming alcohol, unless required by their duty



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assignment. However, regardless of the assignment employees may not violate state law regarding vehicle operation while intoxicated.

(j) Unattended vehicles are to be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running.

(k) Deputies shall ensure all firearms are secure while the vehicle is unattended.

The Sheriff or designee may make exceptions to these provisions

## **706.5 SECURITY AND KEYS**

Employees may take home County-owned vehicles only with prior approval from their Captain and shall meet the following criteria:

(a) Off-street parking shall be available at the employee's residence.

(b) Vehicles shall be locked when not attended.

(c) All firearms and TASERS shall be properly secured as stated in the TASER Policy and Duty Firearm Policy.

When an employee is on vacation, leave or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at an Office facility.

All firearms shall be removed from any marked or unmarked Office vehicle being serviced or repaired, unless the deputy is present during such service.

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

## **706.6 ENFORCEMENT ACTIONS**

When driving an assigned vehicle to and from work outside of the jurisdiction of the County, a deputy shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Deputies driving marked vehicles shall be armed at all times.

Deputies may render public assistance, e.g. to a stranded motorist when deemed prudent.

## **706.7 MAINTENANCE**

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicle.

1. Employees may use the wash racks at Office facilities or County-owned maintenance yards.

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2. Cleaning/maintenance supplies will be provided by the office.
  3. Employees shall remove any trash or debris at the end of their shift.
- (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
  - (c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
  - (d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the County maintenance shop.
  - (e) Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation should be removed from service and subjected to a safety inspection as soon as reasonably possible.

#### **706.8 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle.

#### **706.9 VEHICLE DAMAGE, ABUSE AND MISUSE**

When a County-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction over the incident.

When a collision involves a County vehicle or when a member of this office is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, another agency should be summoned to handle the investigation.

The employee involved in the collision shall complete the County's vehicle collision form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to their immediate supervisor.

Vehicles that may have suffered damage, perform poorly or whose control or safety features have been diminished shall be immediately removed from service for inspection and repair.

An investigation may be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.



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| Document Number: | <b>707</b>  |
| Document Name:   | <b>Personal Flotation and Man Overboard Devices</b> |
| Effective Date:  | <i>December 14, 2020</i>                            |
| Document Status: | <i>Approved</i>                                     |

### 707.1 POLICY

It shall be the policy of the Office that Personal Flotation Devices (PFDs) and/or man overboard devices, if the vessel is equipped, are worn by all Office personnel working on or near the water. Personal Flotation Devices (PFDs) and man overboard devices are essential for safety on the job. The Office is committed to supplying proper safety equipment for use by Office personnel.

### 707.2 DEFINITIONS

**Man Overboard System (MOB)** – is the safety mode of the system and will automatically activate shut down of the engine when the stop fob is submerged in 4 inches (10 cm) of water or travels out of range from the xHUB. When the fob goes overboard, the xHUB sounds an alarm and flashes red in the light circle accompanied by flashing on the respective FOBs indication bar. After 6 seconds, the system automatically activates Override Mode. In Override Mode, any passenger or crew on board can restart the engine without the need to interact with the MOB system.

### 707.3 USE AND CARE

PFDs and MOB, if vessel is equipped, shall be worn by all office personnel working on or near the water. When PFDs are used, they must be returned to the proper storage location in clean and serviceable condition. Only United States Coast Guard approved PFDs shall be purchased and worn.

### 707.4 WEARING OF PFDs AND MOB

PFDs shall be worn zipped up and safety straps fastened. Employees shall wear PFDs:

- While in a watercraft.
- While engaged in rescue, recovery and/or line tending operations at a lake, river or confined water area.
- While working on or near the ice.
- On shore, while working in close proximity to the water's edge.
- As directed by a shift commander.



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Inflatable PFDs should not be worn when the air temperature is under 40 degrees Fahrenheit. All PFDs shall be checked prior to use to ensure they are functioning properly.

The MOB wireless fob will be attached to the boat operator. The MOB will be checked to verify that it is functioning and in working order.

#### **707.5 EXCEPTIONS TO WEARING PFDs**

Certain exceptions may exist to mandatory wearing of PFDs. All water-related details will receive a scene safety survey assuring that adequate PFDs and lifesaving equipment are readily available for emergencies. Once these precautionary measures have been taken, members may use their discretion when deciding to wear a PFD under the following circumstances:

- Investigating a pool or hot tub drowning, or near drowning.
- Working in or around standing water of less than two feet deep.
- Surveillance operations where wearing a PFD may compromise identification of deputies working undercover.
- Day-to-day operations at the Water Patrol docks or during specific training activities.



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| Document Number: | <b>710</b>                                    |
| Document Name:   | <b>Cash Handling, Security and Management</b> |
| Effective Date:  | <i>August 1, 2015</i>                         |
| Document Status: | <i>Approved</i>                               |

**710.1 PURPOSE AND SCOPE**

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of sheriff's operations and ensure the public trust.

**710.2 PETTY CASH FUNDS**

Employees designated as fund managers and authorized to maintain and manage petty cash funds are the Principal Accountant and the Director of Finance. These persons may delegate this responsibility to another person in their absence. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the fund manager.

**710.3 PETTY CASH TRANSACTIONS**

The fund manager or designee shall document all transactions on the ledger and other appropriate forms and each person participating in the transaction shall sign the ledger attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice.

**710.4 PETTY CASH AUDITS**

The manager of a petty cash fund or designee shall audit the fund no less than once every six months. This audit requires that the manager and at least one other person, selected by the fund manager, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Director of Finance.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate Petty Cash Audit by those persons involved in the transfer.

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## **710.5 OTHER CASH HANDLING**

Members of the Office who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon as reasonably practical, verify the amount of cash, summon another employee to verify their accounting, and process the cash as safekeeping, evidence or found property. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry as may be appropriate.

## **710.6 CREDIT CARD ACCEPTANCE**

Credit cards are only accepted for civil process related transaction fees. All credit card transactions will be done in person in the Finance Division lobby. Under no circumstances should credit card information be received or transmitted over the phone, via email or any other electronic method.

Credit card refunds can only be processed on the physical card machine, not by calling the credit card machine provider (currently Wells Fargo) directly.



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| Document Number: | <b>800</b>                            |
| Document Name:   | <b>Criminal Intelligence Division</b> |
| Effective Date:  | <i>July 20, 2023</i>                  |
| Document Status: | <i>Approved</i>                       |

**800.1 PURPOSE AND SCOPE**

It shall be the policy of the Office that all employees adhere to the standards established for the collection, retention, dissemination, and disposition of criminal intelligence information, as it relates to the essential function of law enforcement.

**800.2 DEFINITIONS**

**Criminal Intelligence Analyst** - An employee of the Office that performs a wide range of analysis of information relating to criminal activities in support of law enforcement and criminal investigations.

**Criminal Intelligence Information** - Information compiled, analyzed and/or disseminated in an effort to anticipate, prevent or monitor criminal activity.

**Reasonable Suspicion of Criminal Activity** - Reasonable suspicion is present when sufficient facts are established to give a trained law enforcement officer or criminal investigative agency officer, investigator, or employee a basis to believe that there is, or has been, a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise.

**800.3 OBJECTIVES**

- Provide liaison, coordination, and resource assistance in the collection, exchange, or dissemination, and analysis of criminal information or criminal intelligence in an on-going investigation or prosecution to specific areas of criminal activity.
- Provide criminal intelligence information to law enforcement and criminal justice agency personnel on individuals and organizations involved with criminal organizations and enterprises.
- Provide analysis to include identification and/or projection of major changes in crime trends and patterns.
- Participate in local, regional and national networks whose missions support and exchange sharing of criminal intelligence information.
- Support active or on-going criminal investigations by providing information, analysis or technical assistance for case-support.

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## **800.4 USE OF INFORMATION**

The Office will gather and utilize crime analysis data on a full-time basis as a tool to identify and reduce criminal activity, to assist in resource allocation, and prioritize strategic objectives.

The Office's Criminal Intelligence Division establishes internal controls for the collection, retention, integration, evaluation, analysis and dissemination through established procedures for law enforcement purposes, in the interest of public safety, and in compliance with state and federal laws.

## **800.5 CRIME ANALYSIS REPORT**

Crime analysis reports shall be prepared by Criminal Information Analysts. Such reports may address and document the following crime factors:

- a) Frequency by type
- b) Geographic distribution
- c) Victim and target descriptions
- d) Identify relationships and associations
- e) Identify patterns and trends
- f) Suspect descriptions
- g) Suspect vehicle descriptions
- h) Physical evidence
- i) Property loss

The reports will be used to provide officer safety information, and to support criminal investigations. The reports may be provided to the Sheriff, Chief Deputy, Majors, Division Commanders and all licensed deputy staff, as well as other law enforcement agencies or additional Office personnel where appropriate.

## **800.6 DISSEMINATION OF INFORMATION**

Criminal intelligence information shall not be released to the public so as to not harm or hinder any criminal investigation.

Criminal intelligence information shall only be shared with other law enforcement agencies with the approval of the CID supervisor. The agency and/or officer receiving the information shall agree to be bound by the CID policy relating to the storage, retrieval and dissemination of the information provided. Criminal intelligence information shared with law enforcement personnel may include information about individuals who:

- Are suspected of being or having been involved in planning, organizing, financing or committing of criminal acts; or
- Are suspected of being or having been involved in criminal activities with known or suspected criminal organization; or
- Have active wants or warrants out for their detention or arrest.



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Organizations, businesses, and groups that:

- Are suspected of being or having been involved in planning, organizing, financing or committing of criminal acts; or
- Are suspected of being or having been illegally operating, controlling, financed or infiltrated by known or suspected criminal organizations; or
- Use illegal activities and/or enterprises as a principal means to obtain resources, support for their existence or further their organizational goals; or
- Case sensitive criminal intelligence information shall only be shared with other law enforcement agency members, with the approval of the CID supervisor; or
- The release of electronic surveillance and/or any photographic information pertaining to criminal intelligence information to any authorized law enforcement personnel shall be made only with the approval of the CID supervisor and with the stipulation that such information shall not be duplicated or otherwise disseminated; or
- All documents released, whether to other law enforcement agencies or pursuant to the Minnesota Government Data Practices Act, shall be carefully reviewed by the CID supervisor or a designee.

## **800.7 INFORMATION COLLECTION**

No employee of the Office shall collect criminal intelligence information about the political, religious, or social views, associations or activities of any individual or any group, association, corporation, business, partnership or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity. Information collected by employees of the Office shall be evaluated based upon the following guidelines:

- a) The source of the information is reliable.
- b) The information is accurate and current.
- c) The information is verifiable.
- d) There exists a reasonable suspicion that the individual or organization is involved in criminal conduct, and the information is relevant to that conduct.
- e) Information was collected in a lawful manner and investigative techniques were only as intrusive as necessary to collect sufficient information to prevent criminal conduct or the planning of criminal conduct.

## **800.8 AUDIT/PURGING OF DOCUMENTS**

The CID supervisor is responsible for ensuring that all criminal intelligence information documents are maintained. Reviewing of these documents will be done on an on-going basis, but at a minimum shall be accomplished annually. The maximum retention period is five years. If at that time the information has not been updated and/or revalidated, it must be removed from the system. The Office may update and/or revalidate the submission and extend the retention period at any time, based on reasonable suspicion of new criminal activity. The decision to purge information shall be guided by the following considerations:

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- a) The validity of the information
  - b) The reliability of the information
  - c) Federal /State Law
  - d) Defined retention periods for criminal intelligence information documents
  - e) Public safety and/or officer safety

Any information that is found to be inaccurate, misleading, obsolete or otherwise unreliable will be purged. All paper documents that are purged shall be shredded. A record of purged documents shall be maintained by CID.

## **800.9 SECURITY AND STORAGE OF DOCUMENTS**

Criminal intelligence information documents shall be secured in a locked space or in electronic files that are equipped with security protection measures. These documents and database(s) shall be secured during off-hours and when the office is vacant.

## **800.10 RETENTION OF INFORMATION**

All information retained in the criminal intelligence information documents shall be retained in compliance with state and federal law. Only lawfully collected information based on reasonable suspicion of criminal activity may be stored in the CID criminal intelligence information file. Specifically, the following types of material may not be retained:

- a) Information on an individual or group based solely on the fact that such individual or group support unpopular causes.
- b) Information on an individual or group based solely upon the race, gender, age or ethnic background of an individual or group member.
- c) Information on an individual based solely on personal habits and/or predilections that do not break any laws or threaten the safety of others.
- d) Information obtained in violation of any applicable federal, state, or local rules statutes or ordinances.

Criminal intelligence information shall be retained for up to five years from the date of collection or use, whichever is later. After that time, this information shall be deleted unless new information revalidates ongoing criminal activities of that individual and/or organization. When updated criminal intelligence information is added into the file on a suspect individual or organization, such entries revalidate the reasonable suspicion and reset the five year standard for retention of that file.



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| Document Number: | <b>801</b>                           |
| Document Name:   | <b>Facial Recognition Technology</b> |
| Effective Date:  | <i>July 20, 2023</i>                 |
| Document Status: | <i>Approved</i>                      |

**801.1 PURPOSE AND SCOPE**

Facial recognition technology involves the ability to examine and compare distinguishing characteristics of a human face using biometric algorithms contained within a software application. This technology can be a valuable investigative tool.

The Office has established the capability to conduct facial recognition investigations to support law enforcement activities. This capability is managed by the Criminal Intelligence Division (CID) and Criminal Information Sharing and Analysis (CISA) unit.

**801.2 DEFINITIONS**

**Examiner** – Personnel trained in facial comparison and identification processes.

**Facial Identification** – The process of assisting to help identify an unknown person from a photo database – known as the enrollment database or gallery – to answer the question, “Can this unknown person be matched to any image enrolled in the database?” It is often referred to as one-to-many matching because it compares a probe image to all images in the enrollment database.

**Facial Recognition** – The automated searching of a facial image as a probe in a facial recognition system, typically resulting in a group of facial images being returned to a human operator in ranked order based on a system-evaluated similarity. Also, the mental process by which an observer identifies a person as being one they have seen before.

**Gallery** – A facial recognition system database that typically contains all known-person biometric references (samples or templates, or both).

**Morphological Analysis** – A direct comparison of class and individual facial characteristics without explicit measurement.

**Probe** – A facial image or template searched against the gallery in a facial recognition system.

**801.3 OBJECTIVES**

This policy provides Office personnel with strict guidelines for the facial recognition program to ensure responsible and appropriate use. This policy ensures that all facial recognition

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investigations are consistent with authorized purposes while not violating anyone's privacy, civil rights, and civil liberties. Further, this policy will delineate the way requests for facial recognition information are received, processed, cataloged, and acted upon.

The policy assists the Office's use of facial recognition with:

1. Increasing public safety and improving state, local, tribal, territorial, and national security.
2. Minimizing the threat and risk of injury to specific individuals.
3. Minimizing the threat and risk of physical injury or financial liability to law enforcement and others responsible for public protection, safety, or health.
4. Minimizing the potential risks to individual privacy, civil rights, civil liberties, and other legally protected interests.
5. Protecting the integrity of criminal investigatory, criminal intelligence, and justice system processes and information.
6. Making the most effective use of public resources allocated to public safety entities.

#### **801.4 GENERAL USE**

All applications of facial recognition must be for official use for law enforcement purposes only. A request for facial recognition analysis to the CID will only be for official investigations that have a criminal predicate or an articulated public safety concern. The following are the authorized uses of facial recognition applications:

1. To investigate a reasonable suspicion that an identifiable individual has committed a criminal offense or is involved in or planning criminal conduct or activity that presents a threat to any individual, the community, or the nation and that the information is relevant to the criminal conduct or activity.
2. To assist in an active or ongoing criminal or homeland security investigation.
3. To mitigate an imminent threat to health or safety through short-term situational awareness or other means.
4. To assist in the identification of a person who lacks capacity or is otherwise unable to self-identify (such as an incapacitated, deceased, or otherwise at-risk person).
5. To investigate or corroborate tips and leads with criminal predicate or a public safety concern.
6. To assist in the identification of potential witnesses or victims in criminal investigations.
7. To support law enforcement in critical incident responses.

The use of facial recognition for the sole purpose of intelligence gathering is prohibited. Additionally, the technology will not be used solely for identifying anyone exercising their constitutionally protected rights.

The use of facial recognition technology in conjunction with public safety cameras outside the above guidelines is prohibited. Facial recognition technology will not be used for surveillance and/or tracking of any kind.

Valid law enforcement use of facial recognition includes:

1. As a lead generation tool to support criminal investigations.

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2. Persons who lack capacity or are otherwise unable to identify themselves and who are a danger to themselves or others.
  3. Persons who are deceased and not otherwise identified.

## **801.5 PROGRAM MANAGEMENT**

The CID will be responsible for deploying, managing, and controlling access to the facial recognition program. The CISA unit Lieutenant will designate a program manager tasked to ensure that access, management, and use of the technology is consistent with Office policy.

The Office is authorized to access and perform facial recognition searches utilizing enrollment databases composed of booking photos only. The following are authorized enrollment databases:

1. Office booking photos gallery
2. Law enforcement shared gallery that meets the Office policy.

The Office's facial recognition gallery is strictly composed of booking photo images. The Office does not allow the use of DMV image galleries, privately sourced, non-booking photo galleries or any gallery containing images sourced from websites (i.e., social media).

Facial recognition investigations will only be performed by personnel assigned to the CID. Such investigations will be conducted only by personnel who have completed all required facial recognition training and only during lawful duties in furtherance of a valid law enforcement purpose and in accordance with this policy.

All Office facial recognition examiners will undergo facial comparison and identification training. Examiners will also be taught the use of the facial recognition system, process, protocols, and policy related to facial recognition. Continued training will also be conducted annually to ensure examiners' proficiency with the system.

Before Office personnel are authorized to request a facial recognition investigation, the Office will require participation in training on the implementation of and adherence to this facial recognition policy. Any misuse of facial recognition data may result in disciplinary action, up to termination.

## **801.6 PROCEDURE**

Processing a facial recognition request is a technical procedure utilizing vendor-specific software. This procedure details the steps involved in the submission and analysis of probe imagery in accordance with this policy and vendor-specific specifications. All requests for facial recognition analysis will require a probe image, which is a digital image depicting the face of the subject whose identity is unknown. For the most accurate results, this photo needs to be of the best quality possible and ideally an original, not a copy of a copy.

Requesting investigator will:

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1. Make every effort to obtain the highest quality image file possible when digital photographic evidence of an unknown person is located and is authorized for submission in accordance with this policy.
  2. Complete a facial recognition request via the current established request process, ensuring all required information (incident and/or case number (ICR/CCN)) is submitted.
  3. Include digital probe imagery in all requests.

Technical operations facial recognition examiner will:

1. Receive facial recognition request and ensure proper completion.
2. Review the digital probe imagery to ensure it meets or exceeds minimum program standards. The minimum standard for submission often depends on multiple factors including camera angle, subject proximity, pose, illumination, lighting, and expression.
3. Submit the probe imagery according to the vendor-specific process.
4. Examine the returned candidates according to facial identification and comparison training and practices.
5. Document the findings of the completed facial recognition investigation.

Requesting investigator will:

1. Receive the results of the facial recognition investigation.
2. Only utilize positive findings of a facial recognition investigation as a tip or lead. A tip or lead will not be considered probable cause, which must be established separate from any facial recognition investigation findings.
3. Ensure that facial recognition investigation findings are available for discovery in the judicial process by documenting the use of the technology in case management systems and, if applicable, in the appropriate arrest reports.

## **801.7 FACIAL RECOGNITION RESULTS**

All entities receiving the results of a facial recognition investigation must be cautioned that the resulting candidate images do not provide positive identification of any subject and are considered advisory in nature as an investigative lead only. Resulting candidate images do not establish probable cause to obtain an arrest warrant without further investigation and other facts or evidence. Any possible connection or involvement of the subject to the investigation must be determined through additional investigative methods.

## **801.8 USE OF EXTERNAL FACIAL RECOGNITION SYSTEMS**

Facial recognition technologies depend on the use of proprietary information systems including photo databases that may be owned and managed by third parties. In certain situations, the public safety concern justifies the use of a non-HCSO facial recognition system. The use of such external systems must remain consistent with the understanding that protecting privacy, civil rights and civil liberties is critical to ensuring community trust.

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The CID is the designated division responsible for the management and use of facial recognition technologies. This centralized approach ensures all facial recognition investigations, whether they involve HCSO or non-HCSO systems, conform to Office policy.

Direct user access by Office employees to a non-HCSO facial recognition system is prohibited outside of the CID. This policy is designed to allow Office employees to seek facial recognition queries from other law enforcement entities or privately owned systems when circumstances conform to this policy.

The use and/or requested use of any non-HCSO facial recognition system will be coordinated through the CID. Additionally, more stringent criteria must be met for the use of any non-HCSO facial recognition system:

1. A request for a facial recognition investigation must have been submitted to the CID and have proven to be unsuccessful.
2. The request must be related to a criminal investigation.
3. All other investigative means and alternatives must have been reasonably considered and exhausted.

Any information received will be subject to the guidelines established in the Facial Recognition Results section above.



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Document Number: **802**  
Document Name: **Communication Operations**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**802.1 PURPOSE AND SCOPE**

The Hennepin County Sheriff's Communication Division is a 9-1-1 Public Safety Answering Point (PSAP) for law enforcement and fire service in numerous communities within the County. It is responsible for answering calls for emergency assistance, routine service and administrative details in an efficient manner.

**802.1.1 FCC COMPLIANCE**

The Sheriff's Communications Division shall operate in accordance with Federal Communications Commission (FCC) procedures and guidelines.

**802.2 COMMUNICATION OPERATIONS**

The Sheriff's Communications Division provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This division has two-way radio capability through an 800 MHz trunked radio system providing continuous communication functionality between the Sheriff's Communications Division and public safety responders.

**802.2.1 COMMUNICATIONS LOG**

It shall be the responsibility of Sheriff's Communications Division to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit, record and share as much information as possible to enhance the safety of the public safety responders and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum, the following:

- Agency Case Control Number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol



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- Location of incident reported
  - Location of hazards
  - Identification of public safety responders assigned as primary and backup
  - Time of dispatch
  - Time of the public safety responders arrival
  - Time of public safety responders return to service
  - Disposition or status of reported incident

### **802.3 RADIO COMMUNICATIONS**

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and fellow public safety responders know the status of public safety responders, their locations and the nature of cases.

#### **802.3.1 PUBLIC SAFETY RESPONDER IDENTIFICATION**

Identification systems are based on factors such as district assignment and public safety responder's identification numbers. When calling Sheriff's Communications Division or another unit, the calling unit should state their call sign, then pause for the called unit or dispatch to reply. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

### **802.4 SHERIFF'S OFFICE DISPATCHING OPERATIONS**

Communication operations established for public safety purposes shall be under the direction of the Sheriff or designee (Minn. Stat. § 373.041 Subd. 1). The Sheriff's Communications Division shall broadcast all law enforcement dispatches and reports which have a reasonable relation to or connection with:

- (a) The apprehension of criminals.
- (b) The prevention of crime.
- (c) The maintenance of peace and order throughout the area serviced by the broadcasting station or stations.



Document Number: **804**  
Document Name: **Property and Evidence**  
Effective Date: *October 23, 2017*  
Document Status: *Approved*

### 804.1 PURPOSE AND SCOPE

It shall be the policy of the Office to provide for the proper management and control of property and evidence held by the Office.

### 804.2 DEFINITIONS

**Authorized Evidence and Property Storage Area** - An area designated by the Office to store other property (as defined below) and temporarily store evidence (as defined below.) This area shall have controlled access when not physically secured by an employee.

**Chain Of Custody** - The written documentation of the transfer of custody of evidence and/or property, from the time of original collection to final disposition.

**Forensic Science Laboratory Evidence Vault**- The primary facility utilized by the Office to store evidence.

**Custodial Property** - Property taken from an inmate at the time of booking in the Adult Detention Division.

**Evidence** - Physical property that may be related to a crime which may implicate or exonerate a person of a crime, including seized property.

**Evidence Custodian** - A person designated to be responsible for the maintenance and control of evidence/property.

**Other Property** - Non-evidentiary property taken at the time of arrest not suspected to be connected to a criminal offense; property placed in custody of the Office as a public safety security measure or on behalf of the owner or property determined to be lost or abandoned.

**Property Storage Area Custodian** - A person designated by the division/unit commander to be responsible for the authorized evidence and property storage area (as defined above).

### 804.3 PROPERTY HANDLING

#### 804.3.1 CUSTODIAL PROPERTY

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The ADD shall accept a reasonable amount of personal property for each inmate. Reasonable amounts of inmate personal property shall normally include the clothing worn at the time of intake and shall not exceed an amount easily stored in a single ADD property room garment bag. Excessive property is not accepted into the ADD.

Property stored outside the ADD or shipped to an inmate's authorized address shall be documented on an inmate's Personal Property Receipt and a copy given to the inmate and the ADD property room.

#### Acquisition of Custodial Property

Employees taking or receiving custodial property shall:

- Complete an Inmate Personal Property Inventory Receipt and provide a copy to the inmate.
- Package and label property, and count all money. Cash shall be recounted and the amount verified by another employee of the Office. The property bag and/or inventory receipt, or white money slip shall then be co-signed when cash is involved.

#### Authorized Custodial Property Storage Area

The Adult Detention Division is authorized to store inmate property taken from inmates at the time of booking in the ADD Property Storage Area.

The Adult Detention Division Commander(s) shall maintain policy and procedures for custodial property management consistent with the Office's Policy and Procedure Manual.

#### Disposition of Custodial Property

Property taken from inmates by the Office shall be held until:

- Returned to the inmate at the time of release.
- Released through written authorization from the inmate to another party or for mailing or transporting to a location as authorized by the inmate.
- Released to a law enforcement officer as evidence or by lawful order of the court.
- Disposed of in a lawful manner.

### **804.3.2 EVIDENCE - COLLECTION AND PACKAGING**

Evidence may be seized by employees under lawful authority or purpose. All evidence shall be protected from loss, damage and contamination.

#### Evidence Seizure

Some crime scenes may require the services of Crime Scene Unit personnel to process and, if appropriate, collect evidence. If the Forensic Science Laboratory Unit is not required, the employees taking or receiving evidence shall refer to their division/unit's procedures for collection and packaging.

#### Chain of Custody

Each time the physical custody of evidence is transferred to another person or location, the

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transfer shall be documented. Types of documentation may include but not limited to: report, HCSO Property Inventory Receipt, MN Bureau of Criminal Apprehension Forensic Science Service submission receipt, Forensic Science Laboratory submission receipt, Detective Unit Property Return form, HCSO Property Receipt form, motor vehicle impound form or the HCSO Investigative Division Property and Evidence Room Access Log. Employees shall refer to their division/unit's procedures for chain of custody documentation.

#### Evidence Storage

Employees shall refer to their division/unit's procedures for evidence storage guidelines.

#### Disposition of Evidence

Evidence taken or received by the Office shall be held until:

- No longer needed as evidence and returned to the rightful owner.
- Released to the agency originating the case.
- Disposed of in a lawful manner.

### **804.3.3                    PROPERTY**

Employees taking or receiving Other Property shall:

- (a) Complete a Property Inventory Receipt or other appropriate receipt and provide a copy to the owner when appropriate.
- (b) Package and/or label property according to division/unit procedures.
- (c) If currency in excess of \$200.00 is collected, another employee shall recount and verify the amount and co-sign the receipt.
- (d) Transport the property to an Authorized Evidence and Property Storage Area.
- (e) Refer to each division/unit's procedures for other requirements.

#### Authorized Storage for Other Property

The following divisions/units are authorized to store Other Property in authorized storage area(s):

- Adult Detention Division
- Enforcement Services Division
  - Patrol Unit
  - Water Patrol Unit
- Forensic Science Division
- Investigative Division
  - Detective Unit
  - HCSO supported Task Forces

#### Disposition of Other Property

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. Other Property and unclaimed Custodial Property shall be

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held for a minimum of 90 days per Minn. Stat. § 345.15. A minimum of two reasonable attempts to identify/notify the owner shall be documented prior to pursuing lawful authorization to dispose of the property.

Other Property taken or received by the Office shall be held until:

- Returned to the rightful owner.
- Disposed of in a lawful manner.
- Mailed to the rightful owner via Certified Mail service.

#### **804.4 RELEASE AND DISPOSAL OF FIREARMS**

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922. The Office shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner (Minn. Stat. § 609.5315 Subd. 7). At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy. A firearm may not be released on the same day as ammunition to any third party. This does not apply to law enforcement personnel.

Surrendered firearms should be collected and submitted to the Forensic Science Laboratory in accordance with this policy and SO 14-45.

#### **804.5 DIVISION/UNIT PROCEDURES**

Division/unit commanders of a facility housing an Authorized Evidence and Property Storage Area to store Other Property and to temporarily store Evidence shall maintain policies and procedures for property and evidence management. Below are topics which divisional policies and procedures shall address:

- Evidence Custodian
- Security Measures
- Access Log
- Collection/Packaging Documentation
- Chain of Custody Documentation
- Audit and Compliance Checks
- Transport/Shipping
- Storage
- Retention and Disposal
- Currency
- Jewelry
- Narcotics
- Firearms
- Wet Evidence
- Perishable Evidence
- Sharps
- Equipment and Instrument Calibration (i.e., scales calibrated annually)
- Review policies and procedures annually



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| Document Number: | <b>810</b>   |
| Document Name:   | <b>Security and Release of Records and Information</b> |
| Effective Date:  | <i>July 28, 2014</i>                                   |
| Document Status: | <i>Approved</i>  |

**810.1 PURPOSE AND SCOPE**

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Office reports and records in accordance with applicable law.

This policy does not prevent the Office from making part or all of specific data available to the data subject or the public unless disclosure is expressly prohibited by law or the data is classified as confidential or private, respectively.

**810.1.1 DEFINITIONS**

**Confidential Data on Individuals** - Data that is not public by statute or federal law and is inaccessible to the individual who is the subject of that data (Minn. Stat. § 13.02 Subd. 3).

**Data on Individuals** - All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual (Minn. Stat. § 13.02 Subd. 5).

**Government Data** - Data collected, created, received, maintained or disseminated by this office regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02 Subd. 7).

**Private Data** - Data identifying an individual that is only available to the individual pursuant to a federal or state statute that grants access (Minn. Stat. § 13.02 Subd. 12).

**Records Management** - The systematic control and management of data throughout the life cycle of the data, including, without limitation, the creation, use, maintenance, retention and ultimate disposition of the data.

**Video Recording** - A magnetic video or electronic imaging system designed to record the regular and ongoing operations of the Office including jail observation and monitoring systems, and any Office facility security taping system.

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## 810.2 PUBLIC REQUESTS FOR RECORDS

The Office shall comply with Minnesota law regarding the management, retention and disposal of its records (Minn. Stat. § 15.17 and Minn. Stat. § 138.17 Subd. 7). Requests shall be routed through the Data Practices Compliance Official pursuant to Minn. Stat. § 13.05, Subd. 13.

The Office shall prepare and make available to the public a document that describes every kind of private and confidential data it maintains (Minn. Stat. § 13.05 Subd. 1). Written procedures shall be developed and prominently displayed in a conspicuous place that is easily accessible to the public and that contain the basic rights of a person who requests government data, the responsibilities of the Office and the cost of inspecting or obtaining copies (Minn. Stat. § 13.03 Subd. 1 and Minn. Stat. § 13.03 Subd. 2). The written procedures shall be updated no later than August 1 of each year as necessary to reflect any changes in personnel or circumstances that might affect public access to government data (Minn. Stat. § 13.03 Subd. 2).

Data created by the Office shall be subject to inspection and release pursuant to lawful requests consistent with the Minnesota Government Data Practices Act (MGDPA) requirements (Minn. Stat. § 13.03 Subd. 1). Public requests for data of this office shall be processed as follows:

### 810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media, may request access to public data of this office. A person shall be permitted to inspect and copy public government data at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03 Subd. 3).

The Office may not charge or require the requesting person to pay a fee to inspect data. A fee may be collected by this Office for the actual cost to the agency of providing copies or electronic transmittal of government data (Minn. Stat. § 13.03).

Requests from data subjects, their authorized representatives and other agencies are addressed below. The processing of requests is subject to these limitations:

- (a) Inspection includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03 Subd. 3 (b)).
- (b) For data stored and made available in electronic form via remote access to public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data (Minn. Stat. § 13.03 Subd. 3 (b)).
- (c) The Office shall provide copies of public data upon request (Minn. Stat. § 13.03 Subd. 3(c)).
- (d) Government data maintained by this office using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Office is not required to provide the data in an electronic format or

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program that is different from the format or program in which the data is maintained (Minn. Stat. § 13.03 Subd. 3 (e)).

- (e) If the Data Practices Compliance Official determines that requested data is restricted from release, the Data Practices Compliance Official shall inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as reasonably possible. The Data Practices Compliance Official shall cite the specific statutory section, temporary classification or specific provision of state or federal law on which the determination is based (Minn. Stat. § 13.03 Subd. 3 (f)).
- (f) Upon the request of any person denied access to data, the Data Practices Compliance Official or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of state or federal law upon which the denial was based (Minn. Stat. § 13.03 Subd. 3 (f)).
- (g) The Office shall not be required to create records that do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any data.

### **810.3 REPORT RELEASE RESTRICTIONS**

When a reasonable belief exists that public access to incident data would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence, the Office may temporarily withhold response or incident data. The division/unit commander of the division receiving the request for information, shall determine what information may be withheld. Upon request the Office shall provide a statement that explains the necessity for withholding the information (Minn. Stat. § 13.82 Subd. 14).

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives, including attorneys, made pursuant to the Minnesota Rules of Criminal Procedure or as discovery in a criminal prosecution, shall be referred to the Prosecuting Attorney. State criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals as prescribed by law (Minn. Stat. 13.87).

Absent a court order or other statutory authority, data shall be made public subject to the following restrictions:

#### **810.3.1 GENERAL CASE AND CRIME REPORTS**

Employees of this office shall withhold public access to data on individuals to protect their identity in the following circumstances (Minn. Stat. § 13.82 Subd. 17):

- (a) An undercover law enforcement officer.
- (b) A victim/alleged victim of child abuse reported under Minn. Stat. §626.556.



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- (c) A victim/alleged victim of vulnerable adult maltreatment under Minn. Stat. §626.557. (d) A victim/alleged victim of criminal sexual conduct.
  - (d) Minor victims/alleged victims used in sexual performance/pornography.
  - (e) Paid or unpaid informants if release of their identity would threaten their safety.
  - (f) Victims or witnesses who have specifically requested not to be identified, unless there is a determination that revealing their identity would not threaten their personal safety or property.
  - (g) A caller, or phone subscriber and phone number for 911 calls if the call involved a mental health emergency.
  - (h) A caller, phone subscriber and phone number for 911 calls if the Office determines that release of same will threaten personal safety or property.
  - (i) A juvenile witness when it is justified by the subject matter of the investigation.
  - (j) Mandated reporters under Minn. Stat. §§609.456, 626.556, and 626.557.

Reports or records shall be redacted prior to release to protect the not public status of the data. The division/unit commander of the division receiving the request for information shall determine what information shall be redacted.

### **810.3.2 DISPATCH RECORDS**

Dispatch records are deemed to be "request for service data" and shall be released pursuant to Minn. Stat. § 13.82 Subd. 3. The following data created or collected by law enforcement agencies which documents requests by the public for law enforcement services shall be public government data:

- (a) The nature of the request or the activity complained of;
- (b) The name and address of the individual making the request unless the identity of the individual qualifies for protection under Minn. Stat. § 13.82 Subd. 17;
- (c) The time and date of the request or complaint; and
- (d) The response initiated and the response or incident report number.

The audio recording of a call placed to the 9-1-1 system requesting law enforcement, fire or medical agency response is not accessible to the public although a written transcript of the call shall be released unless the release of the data would reveal the identity of protected individuals. The party requesting such a transcript may be required to pay the costs of transcription in advance of the work being performed ( Minn. Stat. § 13.82 Subd. 4).

### **810.3.3 INITIAL COMPLAINT REPORTS**

An Initial Complaint Report (ICR) created by this office documenting either a response to a call for service or self-initiated actions taken by a deputy shall be released to the public unless the release of the data would reveal the identity of protected individuals (Minn. Stat. § 13.82 Subd. 6).

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#### 810.3.4

#### CRIMINAL INVESTIGATION RECORDS

Criminal investigative data, as defined by statute, involving active cases shall not be released unless otherwise authorized by statute (Minn. Stat. § 13.82 Subd. 7). Inactive investigative data shall be released to the public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted (Minn. Stat. § 13.82 Subd. 7). An investigation becomes inactive upon the occurrence of any of the following events:

- (a) A decision by the agency or appropriate prosecutorial authority not to pursue the case;
- (b) 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
- (c) Exhaustion of or expiration of all rights of appeal by a person convicted on the basis of the investigative data.

#### 810.3.5

#### ARREST REPORTS

Arrest data shall be accessible pursuant to Minn. Stat. § 13.82 Subd. 2. Arrest data shall be subject to release in the same manner as data contained in other reports as set forth above.

The following data created or collected by this office documenting any actions taken to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be public at all times:

- (a) Time, date and place of the action.
- (b) Any resistance encountered by the Office.
- (c) Any pursuit engaged in by the Office.
- (d) Whether any weapons were used by the Office or other individual.
- (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 Office.
- (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 Office employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation.

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- (l) The manner in which the Office 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 under Minn. Stat. § 13.82 Subd. 17.
  - (m) Response or incident report number.
  - (n) Booking photographs.

### **810.3.6 CORRECTIONS AND DETENTION DATA**

Corrections and detention data is the data which is created, collected, used or maintained about individuals because of their admission to the ADC. This data is private unless the data are summary data or arrest data, or a statute specifically provides a different classification. Corrections and detention data on individuals are classified as private pursuant to Minn. Stat. § 13.02 Subd. 12, to the extent that the release of the data would either disclose medical, psychological, or financial information, or personal information not related to their lawful confinement or detainment, or endanger an individual's life (Minn. Stat. § 13.85 Subd. 2).

Corrections and detention data are confidential, pursuant to Minn. Stat. § 13.02 Subd. 3, to the extent that release of the data would endanger an individual's life, endanger the effectiveness of an investigation authorized by statute, and relating to the enforcement of rules or law, identify a confidential informant or clearly endanger the security of any institution or its population (Minn. Stat. § 13.85 Subd. 3).

After presentation to the court, private corrections and detention data becomes to the extent reflected in the court record.

The responsible authority or its designee may release private or confidential corrections and detention data to any law enforcement agency, if necessary for law enforcement purposes, or to the victim of a criminal act where the data are necessary for the victim to assert the victim's legal right to restitution (Minn. Stat. § 13.85 Subd. 5).

### **810.3.7 TRAFFIC ACCIDENT REPORTS**

Traffic accident reports and related supplemental reports shall be considered not public and subject to release only to other law enforcement agencies, involved individuals and their authorized representatives (Minn. Stat. § 169.09 Subd. 13).

The Office shall provide copies of the traffic accident report prepared by its deputies as follows:

- (a) Upon written request.
- (b) To a person involved in the accident or to an appropriate representative of a deceased person involved in the accident or to a person who sustains a pecuniary loss.

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### **810.3.8 VIDEO RECORDING**

Office facilities that have video recording capabilities shall consider any footage as data under and subject to regulations by the Minnesota Government Data Practices Act. The data shall be reviewed on a case-by-case basis, and may be considered private or confidential.

The unit/division commander or data practice designee will be authorized to review digital video. Law enforcement officers involved in an active investigation may review video footage after making a verbal request to a unit/division commander or data practice designee. Other persons requesting to view recorded video footage will be referred to a unit/division commander or data practice designee.

All requests to receive a copy of a video recording must be done in writing to the data practice designee, to include law enforcement agency requests. The request must include the date, time and recorded area(s) of interest. The data practice designee shall review all requests for a copy of video recordings to determine what type of data is being requested, and if the requesting party is authorized to receive the data. The data practice designee will forward the approved request to the appropriate unit/division commander for copying and release. When exporting video, only the requested segment of video will be exported and copied to a compact disk or DVD.

When a law enforcement agencies request is of a time sensitive nature, a verbal request will be accepted. The Office employee receiving the request will obtain the date, time and area(s) of interest, and contact their unit/division commander to approve the request.

A unit/divisional file copy of all compact disks and DVD's released under any circumstances will be maintained along with a digital version of all reports, letters and/or subpoenas.

The retention of all video recording footage at Office facilities is 180 days. In the event that any of the recordings are evidence in any claim or pending litigation, those recordings will be preserved until the claim or litigation is closed

### **810.3.9 PERSONNEL RECORDS**

Most personnel data is private on employees, but may be released pursuant to a court order (Minn. Stat. § 13.43 Subd. 4).

The following personnel data regarding an employee of this office is public data unless the person is currently assigned to undercover operations (Minn. Stat. § 13.43 Subd. 2 Subd. 5):

- (a) Name, employee identification number and some aspects of compensation.
- (b) Job title, bargaining unit, job description, education and training background and previous work experience.
- (c) Date of first and last employment.

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- (d) Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.
  - (e) Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this office.
  - (f) Terms of any agreement settling any dispute arising out of an employment relationship.
  - (g) Work location, work telephone number, badge number and honors and awards received.
  - (h) Time sheets or other comparable data only used to account for an employee's work time for payroll purposes, excluding the use of sick or other medical leave or other not public data.

#### **810.4 OTHER RECORDS**

All public data shall be released as required by the Minnesota Government Data Practices Act. If there is a request for release of any type of records or data which have not been addressed in this policy, employees should consult with the Compliance Official/Responsible Authority to determine whether it may be released.

In the event that there is a request for disclosure of data which was created under the direction or authority of the County Attorney in connection with or anticipation of litigation involving this Office, such data shall not be disclosed without consultation with the Civil Division of the County Attorney's Office.

#### **810.5 PERSONAL IDENTIFYING INFORMATION**

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Office and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

#### **810.6 SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum or discovery request should be promptly provided to the appropriate person in the division/unit receiving the request for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data. Any employee with a question or needing assistance with a Subpoena Duces Tecum may contact the Office's Enforcement Services Division Civil focus.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to the County Attorney's Office so that a timely response can be prepared.

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## **810.7 RELEASED RECORDS TO BE STAMPED**

Any record released pursuant to a Subpoena Duces Tecum shall be certified as a true and correct copy of the record of this office.

## **810.8 PRIVACY AND SECURITY OF RECORDS**

All records maintained by the Office should be handled in such a manner as to protect them from inappropriate or unauthorized disclosure.



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|------------------|--|
| Document Number: | <b>811</b>                             |
| Document Name:   | <b>Office Facility Video Recording</b> |
| Effective Date:  | <i>August 1, 2015</i>                  |
| Document Status: | <i>Approved</i>                        |

## 811.1 POLICY

It shall be the policy of the Office to maintain video recording documentation of Office facilities that have video recording capabilities.



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|------------------|---|
| Document Number: | <b>812</b>  |
| Document Name:   | <b>Criminal History Record Information (CHRI)</b> |
| Effective Date:  | <i>July 28, 2014</i>                              |
| Document Status: | <i>Approved</i>                                   |

**812.1 PURPOSE AND SCOPE**

This policy provides guidelines for the release of criminal offender data, security of that data and persons authorized to release that data.

**812.2 POLICY**

This policy is established pursuant to Minn. Stat. § 13.87, which delineates who has access to state Criminal History Record Information (CHRI) and establishes penalties for the improper use of state criminal history records.

**812.3 DEFINITIONS**

Definitions related to this policy include:

**Authorized Recipient** - Any person or agency authorized by court order, statute or decisional case law to receive CHRI.

**Criminal History Records Information (CHRI)** - All data maintained in criminal history records compiled by the Bureau of Criminal Apprehension (BCA), including, but not limited to, fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data (Minn. Stat. § 13.87 Subd. 1).

**Criminal Justice Agency** - Means a public agency or component thereof that performs a criminal justice activity as its principal function.

**Need to Know** - Arises when a necessity exists to obtain CHRI in order to execute official responsibilities.

**Right to Know** - Persons or agencies authorized by court order, statute or decisional case law to receive the data.

**812.4 ACCESS TO PROTECTED INFORMATION**

CHRI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they



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have an official need to know.

#### **812.4.1 DATA PRACTICES COMPLIANCE OFFICIAL**

The Office has a designated Data Practices Compliance Official. This employee is responsible for ensuring compliance with this policy and with applicable records, security regulations and requirements imposed by federal and state law (Min. Stat. § 13.05 Subd. 13). The Data Practices Compliance Official will resolve specific questions that arise regarding authorized recipients of CHRI.

#### **812.4.2 RELEASE OF CHRI**

Only employees specifically designated by divisional Captains and are certified by the MN BCA are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

#### **812.4.3 RELEASE OF CHRI TO FIELD PERSONNEL**

Employees shall not have access to CHRI until a background investigation has been completed and approved on the employee.

CHRI shall not generally be transmitted by radio, cellular telephone or through computer terminals to field personnel or to vehicles except for official purposes.

### **812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Nothing in this procedure is intended to alter existing statutes, case law or the policies and orders of both the county's juvenile board and the designated juvenile court regarding the release of juvenile offender records. Juvenile records and information are confidential and may only be disclosed pursuant to state law.

Records regarding juveniles who are, or may be, delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and shall be private data unless ordered released pursuant to an order of the juvenile court or as otherwise provided by state law (Minn. Stat. § 260B.171 Subd. 5; Minn. Stat. § 299C.095).

The Office shall implement procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

### **812.6 SECURITY OF PROTECTED INFORMATION**

Employees of this office shall refer members of the public seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87 Subd. 1 (b)).

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## **812.7 TRAINING**

CHRI shall be stored in such a manner and location as to keep it reasonably secure and protected from unauthorized access.

Direct access to CHRI stored in a case file shall be restricted to the personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets and rooms outside of the specific division/unit shall be restricted to those persons who possess both the right to know and the need to know the information.

### **812.7.1 COMPUTER TERMINAL SECURITY**

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

### **812.7.2 DESTRUCTION OF CHRI**

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding at such time its destruction is permitted by the Office's records retention schedule.

Each employee shall be responsible for destroying the CHRI documents they receive.

## **812.8 TRAINING PROGRAM**

All personnel authorized to process or release CHRI shall be required to complete a training program consistent with BCA requirements. The Employee Development Unit and the Office designated Terminal Agency Coordinator (TAC) shall coordinate the course to provide training in the proper use, control and dissemination of CHRI.

## **812.9 PENALTIES FOR MISUSE OF RECORDS**

It is a crime to obtain CHRI criminal history data in an unauthorized manner, to use the data for an unauthorized purpose, or to disclose the data to a person who is not entitled to the data (Minn. Stat. § 13.09).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy, State and Federal Law.

Employees who obtain, or attempt to obtain, information from the Office files, other than that to which they are entitled in accordance with their official duties, are in violation of the Conduct Policy.



Document Number: **814**  
Document Name: **Computers and Digital Evidence**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

#### **814.1 PURPOSE AND SCOPE**

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

#### **814.2 SEIZING COMPUTERS AND RELATED EVIDENCE**

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, and external drives) with care so that potential evidence is not lost.

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- (g) Lodge all computer items into the Forensic Science Laboratory. Do not store computers where normal room temperature and humidity is not maintained.
  - (h) At minimum, deputies should document the following in related reports:
    - 1. Where the computer was located and whether it was in operation.
    - 2. Who was using it at the time.
    - 3. Who claimed ownership.
    - 4. If it can be determined, how it was being used.
  - (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media.

#### **814.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact properly trained and qualified personnel for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

#### **814.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, forward the following items to a qualified examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation or other legal authority for examination.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

#### **814.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
  - (e) Use appropriate packaging to protect the media and to prevent damage.

#### **814.4 SEIZING PCDS**

Personal communication devices such as cellular telephones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a qualified examiner. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units.

#### **814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

##### **814.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

##### **814.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (e.g., smart card, compact flash card or any other media) shall be brought to the Forensic Science Laboratory as soon as reasonably possible for submission into evidence.
- (b) Deputies are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as reasonably possible following the collection of evidence, the camera

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operator is to remove the memory card from his/her digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for reuse. The storage media will be marked as the original.
- (e) Deputies requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

### **814.5.3                    DOWNLOADING OF DIGITAL FILES**

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

### **814.5.4                    PRESERVATION OF DIGITAL EVIDENCE**

Only evidence technicians are authorized to copy original digital media related to case documentation that is held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media. If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.



Document Number: **820**  
Document Name: **Animal Control**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**820.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for Office personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

**820.1.1 TRAINING**

Deputies may be trained in basic animal control procedures during field training, if applicable to their assignment.

**820.2 DEPUTY RESPONSIBILITIES**

Deputies shall be responsible for enforcing local, state and federal laws relating to animals and for appropriately resolving or referring animal problems as outlined in this policy (Minn. Stat. § 343.20 Subd. 5).

The following animal-related calls for service will be handled by the appropriate on-duty deputy.

Deputies may be dispatched to animal-related calls and should take appropriate actions to control the situation. Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal. The following are examples of when a deputy may consider acting:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, deputies should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (e) When an animal is gravely injured.

A deputy may remove, shelter and care for any animal that is not properly sheltered from cold, heat or inclement weather, or any animal not properly fed and watered or provided with suitable food and drink, in circumstances that threaten the life of the animal (Minn. Stat. § 343.29 Subd. 1). The animal may be euthanized following a determination by a doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment (Minn. Stat. § 343.29 Subd. 2).

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Deputies shall not enter a facility where farm animals are confined unless they follow a procedure and directive for biosecurity measures identified by the Board of Animal Health (Minn. Stat. § 17.986).

#### **820.2.1 ANIMAL CRUELTY COMPLAINTS**

Deputies shall investigate all reports of animal cruelty pursuant to Minn. Stat. § 343.12. Deputies shall not hesitate to take any immediate actions deemed necessary.

Following a court order, a deputy shall search the place designated in a warrant and conduct an investigation in conjunction with a veterinary doctor (Minn. Stat. § 343.22 Subd. 2).

#### **820.2.2 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted if reasonably possible (Minn. Stat. § 343.29 Subd. 1). If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the animal shelter.

The animal pick-up form must be completely filled out. Release of impounded dogs requires a fee be paid. Releases will be handled by the animal shelter.

#### **820.2.3 ANIMAL BITES TO HUMANS**

Deputies shall obtain as much information as possible for forwarding to the local animal control authority for follow-up. Deputies shall instruct the owner of a biting animal that is a pet, farm animal or domesticated wild animal that, if contacted, to keep the animal confined on the property until contacted by the local animal control authority. If the animal is a stray, every reasonable effort shall be made to capture and impound the animal immediately.

#### **820.2.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Deputies shall obtain as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of problem. Deputies will also document any actions taken, citation(s) issued and related report numbers.

In the event responding deputies cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the on-duty supervisor may request the assistance of an animal control officer from an outside agency.

### **820.3 DECEASED ANIMALS**

Deceased animals on public property or roadway will be removed by the deputy and properly disposed of by notifying the appropriate city, county or state public works facility.



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Deputies will not be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

#### **820.4 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below.

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to an authorized veterinary emergency services clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
- (d) When it is necessary to kill a seriously injured or dangerous animal the Firearm Discharge Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty supervisor or the Watch Commander.
- (e) Injured or deceased wildlife should be referred to the nearest rehabilitation center.
- (f) When handling dead or injured animals, Office employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (g) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released.

#### **820.5 CITATIONS**

It should be at the discretion of the handling deputy or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

#### **820.6 POST-ARREST PROCEDURES**

The arresting deputy should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted with the owner's consent to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.



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Document Number: **900**  
Document Name: **Temporary Holding Facility**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**900.1 PURPOSE AND SCOPE**

The Office shall maintain policies guiding the operation of any temporary court holding facility to ensure the safe and humane detention of persons in custody awaiting a court appearance or transportation.

**900.2 DEFINITIONS**

**Temporary Court Holding Facilities** - Areas where persons are held in conjunction with a court appearance. They may be secure, but are nonresidential in design. Persons are not normally held there beyond four hours (Minn. R. 2945.0100 Subd. 13).

**Holding Cell** - A cell or room within a temporary court holding facility used to hold one or more persons temporarily while awaiting release, booking, court appearance, or transportation (Minn. R. 2945.0100 Subd. 20).

**900.3 INMATE MONITORING, CLASSIFICATION AND TRANSPORTATION**

**900.3.1 MONITORING OF INMATES**

No inmate will be held in a temporary court holding facility unless there is an Office employee that remains in the immediate area. That employee is responsible for response to emergencies within the holding facility. All inmates shall be visually checked every 30 minutes. Visual checks shall be performed every 15 minutes on inmates known to be assaultive, potentially suicidal, mentally ill or who have demonstrated bizarre behavior.

**900.3.2 DETENTION OF INMATES IN A TEMPORARY COURT HOLDING FACILITY**

It is the policy of the Office that inmates detained in a temporary court holding facility shall be released or transported to another facility as soon as possible or practicable once their court appearance or reasons they were brought to the facility have been satisfied.

Whenever possible, a female deputy will be on-duty in the facility when female inmates

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are present.

### **900.3.3 NON-DETAINABLE INMATES**

Non-detainable inmates are arrestees who fall within the following classifications and should not be detained in the temporary court holding facility. Each person falling into one of the following categories should be transported to the Public Safety Facility (PSF) - Adult Detention Center, the designated medical facility or county mental health facility:

- (a) Any person who is sick or injured requiring medical attention.
- (b) Any person with a medical condition, including pregnant females who may require medical attention, supervision or medication during confinement. An exception may be made for prisoners requiring medication, provided requirements in this policy are met.
- (c) Any person who has claimed, or is known to be afflicted with, or displays symptoms of any communicable disease.
- (d) Any person suffering from a severe mental disorder. Refer to the Emergency Admissions policy, which is incorporated as a part of this manual.
- (e) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the temporary court holding facility.
- (f) A prisoner who is or may be contemplating suicide.
- (g) Any person suspected of being under the influence of alcohol, a hallucinogen, hyperglycemic agent, psychotropic medication, narcotics, sedatives, tranquilizers, anti-neoplastic (cancer) drugs, research medication or any person suffering from withdrawals of the above.

### **900.3.4 CLASSIFICATION OF INMATES**

Inmates received from the PSF and held in a temporary court holding facility will be segregated based on their PSF classifications.

All new arrests and inmates not transported from the PSF will be segregated based on gender, and other known and/or observed behavior.

Inmates who fall within the following classifications may be detained in a temporary court holding facility. Detainable inmates include inmates arrested and detained pending:

- (a) Posting of bail.
- (b) Citation release per the Cite and Release Policy, which is incorporated as a part of this manual.
- (c) Transportation to the PSF.
- (d) A scheduled court appearance.

### **900.3.5 INMATES WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE**

Subject to safety and security concerns, persons who are detained in a temporary court

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holding facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping. It shall be promptly returned if it is later determined that such risk no longer exists. Whenever a prosthetic or orthopedic appliance is removed from an inmate, a supervisor shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the inmate shall be examined as soon as practicable by a physician but no later than 24 hours after removal to determine if the removal will be injurious to the health or safety of the inmate. If the examining physician determines that removal is or will be injurious to the health or safety of the inmate and the appliance cannot be returned because of safety or security concerns, the inmate should be transferred to an appropriate medical detention facility.

### **900.3.6                      TRANSPORTATION OF INMATES**

Whenever an inmate is to be transported from a temporary court holding facility to another facility by a member of this office, the transporting deputy shall be responsible for the following: Verify that the identity of each prisoner to be transported matches the booking paperwork. Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, itemized list of prisoner's property and warrant copies, if applicable. Ensure that any known or suspected threat or danger the prisoner may pose, such as escape risk, suicide potential, medical condition or intellectual disability is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting deputy shall ensure such threat or danger is communicated to intake personnel at the facility.

### **900.4                      FIRE SAFETY**

All temporary court holding facilities are equipped with smoke detectors that report smoke to the County Security Operations Center or the building maintenance facility located on-site. Facilities are also equipped with a number of strategically located fire extinguishers. Deputies assigned to a temporary court holding facility should, at the beginning and end of each shift, inspect the facility to ensure:

- (a) No flammable materials are stored in the detention area.
- (b) Fire extinguishers are serviceable.
- (c) Cell keys are available in the control room/office.
- (d) First aid kits are readily available and completely stocked.

A supervisor shall inspect all temporary court holding facilities at least two times per year, but preferably at least every four months, for security, control, conditions and the overall state of compliance.

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### **900.4.1 FIRE PROCEDURES**

In the event of a fire in a temporary court holding facility, the discovering deputy should immediately:

- (a) Notify the fire department via the most immediate means available (telephone, radio, etc).
- (b) Initiate movement of all inmates to an area of safety.
- (c) Begin fire suppression activities, as applicable.
- (d) Obtain medical services as needed.
- (e) Arrange transportation of prisoners to the PSF or other temporary holding facility.
- (f) Notify a Court Security Division supervisor, as soon as practical.
- (g) Complete necessary reports.

### **900.5 EVACUATION OF A TEMPORARY COURT HOLDING FACILITY**

If an evacuation of a temporary court holding facility becomes necessary, the following should be considered:

#### **900.5.1 PRIMARY CONCERNS**

- (a) Safety of public.
- (b) Safety of Office personnel.
- (c) Safety of inmates.
- (d) Security of inmates

#### **900.5.2 NOTIFICATION**

- (a) Supervisor
- (b) Watch Commander
- (c) All available licensed personnel
- (d) Fire department
- (e) Facility Administrator

#### **900.5.3 EMERGENCY EVACUATION**

When time permits, all inmates will be restrained, as deemed necessary by the deputy conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in all temporary court holding facility.

#### **900.5.4 EVACUATION OF FORMATION AREA**

All inmates will form in the designated location where they will be held until a temporary court holding facility can again be safely occupied, or in case of an emergency of a long duration until they can be transported to another facility.

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If possible, juveniles are to be kept separate from adult inmates and females from male inmates.

Only after the safety and security of all inmates is assured will personnel not detailed to inmate security, participate in fire suppression or other emergency activities.

#### **900.5.5 COUNTYWIDE OR REGIONAL DISASTERS**

In cases of Countywide or regional disasters, the Sheriff or designee may authorize the release of inmates detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

#### **900.5.6 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION**

As necessary, evacuating personnel will apply first-aid techniques to those inmates injured because of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

#### **900.5.7 REPORTS**

A supervisor will ensure that any emergency evacuation of a temporary court holding facility is documented and that copies of those reports be forwarded through the chain of command to Sheriff's Administration.

### **900.6 HANDLING OF INMATE'S PROPERTY**

Deputies shall take care in handling inmate's property to avoid discrepancies or losses.

Any personal property and/or money belonging to an inmate, but retained by the deputy as evidence shall be inventoried according to Office policy. The inmate shall be advised that such property will be kept as evidence.

#### **900.6.1 RELEASE OF INMATE'S PROPERTY**

When an inmate is released from custody at a temporary court holding facility all property brought with the inmate to the facility will be returned to the inmate. The property bag will be opened in the presence of the inmate. The inmate will be required to sign the back of the court tab acknowledging the receipt of their property. The deputy will ensure that a statement on the back of the court tab is written stating, "I received all of my property", following the inmate shall sign the form. If the inmate disputes property is missing, it shall be written on the back of the court tab, "Inmate claims property is missing" and list what the property is. Provide the inmate with the phone number to the PSF or the police agency that brought the inmate to court to dispute their missing property claim.

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## **900.7            TEMPORARY COURT HOLDING FACILITY PROCEDURES**

### **900.7.1            SECURITY**

- (a) At no time are firearms, deadly weapons, or any type of explosive device permitted within the confines of a temporary court holding facility. Weapons should be properly secured in a gun locker outside the entrance to a temporary court holding facility. An exception may occur only during emergencies upon approval of a supervisor.
- (b) Temporary court holding facility doors are to be kept locked at all times except during routine cleaning, when no inmates are in custody, or in the event of an evacuation.
- (c) Cell doors are to be locked at all times when inmates are detained in the facility.
- (d) No personnel shall smoke at any time while in the detention area. No inmate shall be allowed to smoke or possess smoking materials in that area.
- (e) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints will be used in accordance with existing Office policy.

### **900.7.2            DEPUTY RESPONSIBILITIES**

The temporary court holding facility deputy should:

- (a) Secure their weapon and make a thorough search of all inmates received into a temporary court holding facility. All arrestees brought into a temporary court holding facility must be searched by a deputy or other authorized employee of the same gender whenever possible before the deputy relinquishes control. Female prisoners should be searched by female deputies or other female staff whenever possible.
- (b) Secure property for safekeeping.
- (c) Remove all hazardous items from the prisoner's person.
- (d) Remove belts and jackets.

Arrestee search procedures and policies are found in the Custodial Searches Policy.

### **900.7.3            HOLDING CELL SECURITY**

- (a) Prior to placing an inmate into a cell, the cell shall be searched to ensure there are no weapons or contraband present and to ensure the cell is clean and sanitary. If other inmates are present in the cell, this inspection shall be done visually without removing other inmates.
- (b) If the deputy is alone, any other inmates in a cell should be directed to stand against the far wall of the cell prior to opening the cell door.
- (c) Keys shall be returned to their secure location prior to leaving the building.
- (d) Access to the holding cell area is restricted to deputies.
- (e) Maintenance and/or cleaning personnel shall be accompanied at all times by a deputy when inside a temporary court holding facility.

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#### **900.7.4 INMATES FOOD SERVICE**

Meals will be provided for inmates detained in excess of six hours.

#### **900.7.5 ATTORNEYS AND BAIL BONDSMEN**

- (a) Attorneys and bail bondsmen who need to interview an inmate should do so in the secure interview room, inside of a temporary court holding facility.
- (b) Attorneys must produce a current identification card from a recognized state bar association as well as other matching appropriate identification.
- (c) Interviews between attorneys and their clients shall not be monitored or recorded.

#### **900.7.6 MEDICATION**

Any inmate that requires medication will be transported back to the PSF. Medical staff at the PSF will determine if the inmate is in need of medication.

At no time will deputies administer or give medications to an inmate who is being held at a temporary court holding facility.

#### **900.7.7 MEDICAL CARE**

Should an inmate be injured or become ill during their time held in a temporary court holding facility, appropriate medical aid will be summoned. A deputy or supervisor (if on site) shall meet with those providing medical aid at the temporary court holding facility to allow access to the inmate. The decision to transport an inmate to a hospital will be the decision of the paramedics. The method and means of transportation is subject to the approval of the deputy or supervisor. If any inmate is transported while still in custody, the inmate will be accompanied by at least one deputy. If the inmate is incarcerated for a misdemeanor, the supervisor may seek approval by a judge for the release of the inmate to facilitate medical care and transport.

#### **900.7.8 RELEASE OF INMATES**

- (a) Prior to removing an inmate from a cell for release, the releasing deputy will compare the intake photograph of the inmate with the individual being released to ensure proper identity. If any questions exist regarding proper identification, a supervisor should be contacted prior to proceeding.
- (b) The temporary court holding facility should be inspected for damage prior to the release or transportation of any inmate.
- (c) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.
- (d) Inmates shall be released in accordance with state law. The releasing deputy



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will be responsible for the following:

1. All proper reports and forms shall be completed prior to release.
2. All property, not to include evidence, contraband or dangerous weapons, shall be returned to the inmate.
3. The appropriate temporary court holding facility paperwork will be completed showing the date, time and reason for release, as well as the releasing deputy's name.
4. The inmate being released will be escorted from the temporary court holding facility by a deputy. At no time will a released inmate be allowed in any secure area without personal supervision by a deputy.

#### **900.7.9 INMATE TRANSFER ESCORT**

Inmate transfers that exceed 100 miles shall be accomplished with a custodial escort of the same sex as the prisoner being transferred (Minn. Stat. 631.412).

#### **900.7.10 DEATH OF AN INMATE**

In the event of a fatal injury or death of an inmate while in custody of this office, a supervisor shall be notified and will make the appropriate notifications as directed by Office policy and pursuant to Minn. Stat. § 390.11 Subd. 1 (6).

### **900.8 PRISONER ESCAPES**

In the event of an attempted escape from a temporary court holding facility, the following measures should be taken to thwart the attempt:

- (a) The discovering deputy shall air information on the radio to alert other staff.
- (b) If the location of the inmate is unknown, information should be provided to Sheriff's Communications Division dispatch for assistance. Local law enforcement agencies assistance should be requested for all suburban temporary court holding facilities.
- (c) Available video surveillance camera systems should be queried for information.
- (d) Notify a court security supervisor as soon as practicable.
- (e) Provide for the safety of court and other building personnel if it is believed the escapee may still be in the building.
- (f) Ensure that all other inmates are accounted for and secured.
- (g) When applicable, notify the Security Operations Center for assistance (securing stairwells, elevators, video monitoring, etc.)

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## 900.9 USE OF FORCE TO PREVENT ESCAPE OR CAPTURE ESCAPEES

Deputies attempting to prevent the escape shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the deputy at the time of the event, to accomplish a legitimate law enforcement purpose.



Document Number: **902**  
Document Name: **Custodial Searches**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**902.1 PURPOSE AND SCOPE**

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody

**902.1.1 DEFINITIONS**

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Exigent Circumstance** - Those circumstances that would cause a reasonable person to believe that the current situation requires a deviation from written policy and normal practices to ensure the safety and security of the facility.

**Frisk (Pat-Down Search)** - This is a limited type of search used by deputies in the field when a deputy has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the deputy or others.

**Inmate** - To include arrestee, detainee or convicted inmate.

**Physical Body Cavity Search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person

**Religious Head Coverings** - An article of clothing worn on the head by men and women of various faiths for religious purposes.

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**Strip Search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## **902.2 POLICY**

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene and in compliance with policy and law to protect the rights of those who are subject any search.

Searches shall not be used for intimidation, harassment, punishment, retaliation or to identify gender.

## **902.3 SEARCHES AT SHERIFF'S FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to any Office facility. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

### **902.3.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another office member. The inventory should include the case number, date, time, member's Office identification number and information regarding how and when the property may be released.

### **902.3.2 VERIFICATION OF MONEY**

Verification of money shall be accomplished during the custody search of an individual,

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and shall be counted in front of the individual from whom it was received when practicable. When possible, the individual shall be given a receipt. Negotiable checks or other instruments and foreign currency should also be addressed in the same manner. The disposition of any money, negotiable checks, other instruments or foreign currency shall be in accordance with current Office protocols appropriate for the situation in which the items were recovered.

## **902.4 STRIP SEARCHES**

No individual in temporary custody at any Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

### **902.4.1 STRIP SEARCH PROCEDURES**

Strip searches at Office facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the shift supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

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- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
  - (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
  - (f) The primary member conducting the search shall prepare a written report to include:
    1. The facts that led to the decision to perform a strip search.
    2. The reasons less intrusive methods of searching were not used or were insufficient.
    3. The written authorization for the search, obtained from the shift supervisor.
    4. The name of the individual who was searched.
    5. The name and sex of the members who conducted the search.
    6. The name, sex and role of any person present during the search.
    7. The time and date of the search.
    8. The place at which the search was conducted.
    9. A list of the items, if any, that were recovered.
    10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
  - (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

#### **902.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with shift supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the shift supervisor authorization does not need to be in writing.

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## 902.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the shift supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The shift supervisor's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any office members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative upon request.

## 902.6 RELIGIOUS HEAD COVERINGS

Religious beliefs of inmates shall be accommodated and not substantially burdened absent a compelling governmental interest.

- (a) Absent an exigent circumstance, the Office allows inmates to wear religious head coverings while in custody.
- (b) Absent an exigent circumstance, an inmate shall not be asked to remove the religious head covering and/or be viewed without the religious head covering in front of other inmates or staff members of the opposite gender.
- (c) If an exigent circumstance presents, supervisor notification is required.

## 902.7 TRAINING

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The Employee Development Unit shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches of those wearing religious head coverings.
- (d) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.





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Document Number: **1000**  
Document Name: **RECRUITMENT AND SELECTION**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**1000.1 PURPOSE AND SCOPE**

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Office and that are promulgated and maintained by the Professional Standards Division.

**1000.2 POLICY**

In accordance with applicable federal, state and local law, the Office provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Office does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

**1000.3 RECRUITMENT**

The Professional Standards Division should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.

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Consideration of shared or collaborative regional testing processes may also be utilized, at the discretion of the Office.

The Professional Standards Division shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process.

#### 1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Citizenship verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents
- (e) Information obtained from public Internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)

##### 1000.4.1 VETERANS' PREFERENCE

All actions related to Veteran's Preference are managed by Hennepin County Human Resources. Information provided herein is for reference purposes only and members should verify specific protocols with Hennepin County Human Resources.

Veterans who are candidates for job openings shall receive preference recognizing the training and experience, loyalty and sacrifice not otherwise readily assessed by examination pursuant to Minn. Stat. § 197.455. The following preference, credit and requirements shall be applied as applicable (Minn. Stat. § 197.455):

**Nondisabled Veteran's Credit** - There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of 10 points, provided that veteran obtained a passing rating on the examination without the addition of the credit points.

**Disabled Veteran's Credit** - There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 15 points, provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that:

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- (a) The veteran obtained a passing rating on the examination without the addition of the credit points.
  - (b) The veteran is applying for a first promotion after securing public employment.

For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person has a compensable service-connected disability as adjudicated by the U.S. Veterans Administration, or by the retirement board of one of the several branches of the armed forces, that is existing at the time preference is claimed.

For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

**Preference for Spouses** - A preference available pursuant to Minn. Stat. § 197.455 may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.

**Ranking of Veterans** - An eligible applicant with a rating augmented by veteran's preference is entered on an eligible list ahead of a non-veteran with the same rating. When notifying eligible applicants that they have passed examinations Hennepin County Human Resources shows the final examination ratings and preference credits and notifies eligible applicants that they may elect to use veteran's preference to augment passing ratings.

When Hennepin County Human Resources rejects a certified eligible applicant who has received veteran's preference, the appointing authority shall notify the eligible applicant in writing of the reasons for the rejection and file the notice with Hennepin County Human Resources

#### **1000.4.2 LATERAL TRANSFER DEPUTY SELECTION PROCESS**

Licensed deputy applicants (laterals) currently employed full-time with other Minnesota agencies with a minimum two years full-time law enforcement experience may be deemed to have met various entry requirements and specific steps may be waived at the discretion of the Sheriff or designee.

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Office and ensure the candidate meets the security standards established to access state and national computerized record and communication systems (Minn. Stat. § 626.87; Minn. R. 6700.0700).

For deputy sheriff applicants only, the background investigation must determine whether the candidate meets the standards established by the Minnesota Board of Peace Officer Standards and Training (POST).

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### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d; 16 CFR 600 et seq.).

### **1000.5.2 STATE NOTICES**

Upon initiation of a deputy candidate's background investigation, the office shall provide written notice to POST that includes the candidate's full name and date of birth and the candidate's peace officer license number, if applicable (Minn. Stat. § 626.87).

### **1000.5.3 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private or protected information, the Professional Standards Division should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Professional Standards Division may consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Office fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Professional Standards Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### **1000.5.4 DOCUMENTING AND REPORTING**

The background investigator may summarize the results of the background investigation in a report.

The results of the background investigation shall not include any information that is prohibited from use in making employment decisions. The summary report, if any, and all supporting documentation, shall be included in the candidate's background investigation file.

### **1000.5.5 RECORDS RETENTION**

All selection materials for those individuals hired, including the background investigation, will be filed in the employee's personnel file. Employee selection materials will be maintained for the length of the time required for personnel files under the records retention schedule.

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All selection materials for those individuals not hired will be maintained for a minimum period established by the records retention schedule.

## **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

## **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law and Hennepin County Human Resources. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. Hennepin County Human Resources maintains validated standards for all positions.

### **1000.7.1 LATERAL TRANSFER DEPUTY SELECTION PROCESS**

Candidates shall meet the following minimum standards established by Minnesota POST (Minn. R. 6700.0700):

- (a) Citizen of the United States
- (b) Possess a valid Minnesota driver's license
- (c) Free of any felony conviction
- (d) Free of conviction of any controlled substance law or of any misdemeanor conviction listed in Minn. R. 6700.0700
- (e) Fingerprinted for purposes of disclosure of any felony convictions

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- (f) Submit to a medical examination and psychological evaluation to ensure that the candidate is free from any physical, emotional or mental condition which might adversely affect his/her performance of peace officer duties
  - (g) Successfully complete a physical agility examination
  - (h) Successfully complete an oral examination



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|------------------|--------------------------------|
| Document Number: | <b>1002</b>                    |
| Document Name:   | <b>Evaluation of Employees</b> |
| Effective Date:  | <i>August 1, 2015</i>          |
| Document Status: | <i>Approved</i>                |

**1002.1 PURPOSE AND SCOPE**

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

**1002.2 POLICY**

The Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

**1002.3 EVALUATION PROCESS**

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

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Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing.

Upon transfer or promotion of a supervisor, he/she must complete all outstanding evaluations assigned to them.

Upon transfer or promotion of any employee, a "Reassignment Evaluation" shall be completed by the current supervisor prior to the transfer or in the event of an immediate transfer, as soon thereafter as reasonably possible.

#### **1002.4 EVALUATION FREQUENCY**

The performance evaluation system utilizes appropriate formats for civilian employees, deputy personnel and supervisors. Immediate supervisors shall rate employees. Supervisors shall attend training prior to using the system.

Criteria used for an evaluation shall be specific to the position and duties assigned the employee. Frequency:

- Newly hired probationary employees shall be evaluated at least twice during their probationary period.
- An employee receiving a probationary promotional appointment shall be evaluated by a supervisor(s) prior to completing the probationary period.
- Each employee shall normally receive a written performance evaluation annually.
- Evaluations shall cover performance during the specified time period. Review:
- Performance evaluations shall be reviewed and signed by the rater's supervisor prior to submission.
- An employee's signature indicates the employee has read the evaluation.
- The employee's signature does not constitute agreement or disagreement with the evaluation.

##### **1002.4.1 VOLUNTEER SPECIAL DEPUTY EVALUATIONS**

Volunteer deputy evaluations are covered in the Volunteer Program Policy.

#### **1002.5 FULL-TIME PROBATIONARY PERSONNEL**

Personnel must successfully complete the probationary period before being eligible for certification as permanent employees.



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An Employee Performance Evaluation shall be completed as required by their division, unit and/or job class.

## 1002.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to two types of performance evaluations:

**Annual** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Special** - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

### 1002.6.1 RATINGS

When completing the Employee Performance Evaluation in APEX, the rater will use the definition that best describes the employee's performance. The definition of each rating category is as follows:

**Strategic Performer** – Represents performance that is beyond better than expected of a fully competent employee.

**Valued Performer** – Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Performance Needs Improvement** – A level of performance less than that expected of a fully competent employee and less than the standards required of that position. A Performance Needs Improvement rating must be thoroughly discussed with the employee and cannot be tolerated.

Comments are required in each section of the evaluation. This allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked Performance Needs Improvement or Strategic Performer shall be substantiated in the rater comments section. Raters shall describe the performance leading to a Performance Needs Improvement rating, and shall provide direction by defining the performance improvements that are expected of the employee.

An employee receiving a performance rating of Performance Needs Improvement shall require a special three-month evaluation. Two consecutive Performance Needs Improvement ratings shall constitute incompetency with the exception that the requirement for a special three-month evaluation is not applicable to probationary employees.

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## **1002.7 EVALUATION INTERVIEW**

The performance interview provides for active employee involvement in their performance evaluation. The rating supervisor shall review the evaluation with the employee during the interview. Additionally the supervisor shall:

- Provide the employee a minimum of one-week notification prior to the interview.
- Provide an interview location in a private setting.
- Give the employee a complete explanation of the evaluation.

The employee may respond in writing to the evaluation. The response shall become a part of the written evaluation, if requested.

## **1002.8 EVALUATION REVIEW**

After the supervisor finishes the interview with the employee, the electronically signed performance evaluation is submitted to the next reviewer, as established in APEX. All evaluation reviewers shall review the evaluation for fairness, impartiality, uniformity and consistency.

### **1002.8.1 CONTESTED EVALUATION REVIEW**

An employee may contest his or her evaluation report in writing to the rater's immediate supervisor.

## **1002.9 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained electronically in the employee's personnel file within APEX.



Document Number: **1003**  
Document Name: **SUPERVISION OF PART-TIME DEPUTIES**  
Effective Date: *December 14, 2020*  
Document Status: *Approved*

**1003.1 POLICY**

It is the policy of the HCSO to protect lives while enforcing the law. In addition, it is the responsibility of this agency to guide its deputies in the safe and reasonable performance of their duties. To accomplish these goals the following policy is provided to assist in the regulation of part-time deputies as required under MN STAT 626.8465 and *MN RULES* 6700.1101-6700.1300. Part-time deputies are most effectively utilized as a supplement to regular, fully trained deputy. The use of part-time deputies when the need for services would otherwise justify the use of deputies is discouraged.

**1003.1.1 DEFINITIONS**

**Active Duty Status** – means when a deputy or part-time deputy is authorized by Office policy to act as an agent of the Office with power to arrest and authority to carry a firearm.

**Appointment** – means the official declaration provided by the Office to the POST Board which indicates that the agency has engaged the services of a deputy or part-time deputy beginning on a specified date.

**Hours Worked** – the actual number of hours served while the part-time deputy is on active duty status. All active duty hours must be documented regardless of compensation.

**Part-Time Deputy** – means an individual licensed by the board whose services are utilized by the Office no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty.

**Supervision of Part-Time Deputies** – the part-time deputy and the designated supervising deputy are aware of their respective identities; the part-time deputy has the ability to directly contact the designated deputy, and the part-time or designated deputy can achieve direct personal contact within a reasonable period of time.

**1003.2 PROCEDURES**

It is the Office's policy that supervision be provided to part-time deputies by deputies as required under MN Rules 6700.1110. This policy minimally addresses the following requirements found within the rule

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including:

1. When designating a deputy to supervise a part-time deputy, the Office shall establish written procedures which at a minimum include:
  - a. How the designated deputy is to be notified of their responsibility for assuming supervision of a part-time deputy.
  - b. The duties and responsibilities of the designated deputy in exercising supervisory responsibility for a part-time deputy.
  - c. The means by which the part-time deputy is to notify the designated supervisor that the part-time deputy is on active duty status.
  - d. The means by which the supervisor is to be notified when the part-time deputy is no longer on active duty status.
2. If the Office agrees to designate a deputy to supervise a part-time deputy who is not employed by the same agency shall establish at a minimum:
  - a. All policies required under MN Rules 6700.1105, Subd. 2;
  - b. All policies required under MN Rules 6711.1110; and
  - c. A written joint powers agreement which confers upon the designated supervising deputy full power and authority within the jurisdiction of the part-time deputy to be supervised.

### **1003.3 RESPONSIBILITIES OF THE PART-TIME DEPUTY**

1. The hours of active duty status during the calendar year of a part-time deputy are limited to no more than 1,040 hours.
2. A part-time deputy shall record all active duty hours worked for the Office either on the *Part-time Deputy Monthly Hour Log* provided by the POST Board or in an electronic format that includes the same information. The part-time deputy shall record the date, time, and total hours of active duty, the name of the Office for which the hours were worked and the name of the designated supervisor assigned for each shift or time entry on the log.
3. On the last day of every month the part-time deputy shall provide the Sheriff or designee of the Office a written notice of the total number of hours worked. The notice may be provided on the *Part-time Deputy Monthly Hour Log* provided by the POST Board or in an electronic format that includes the same information.
4. The part-time deputy shall keep and maintain copies of active duty reporting forms for five years and shall make the forms available to the POST Board upon request.

### **1003.4 POLICY DISTRIBUTION**

Copies of policies un MN Rules 6700.1105 to 6700.1130, must be provided to all part-time deputies before they are authorized to exercise part-time deputy authority on behalf of the Office. Copies of these policies shall also be distributed to all designated deputies.



Document Number: **1004**  
Document Name: **Promotions and Transfers**  
Effective Date: *November 14, 2016*  
Document Status: *Approved*

## 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion and transfers within the ranks of the Office.

### 1004.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- a) Presents a professional, neat appearance.
- b) Maintains a physical condition that aids in his/her performance.
- c) Demonstrates:
  1. Emotional stability and maturity
  2. Stress tolerance
  3. Sound judgment and decision-making
  4. Personal integrity and ethical conduct
  5. Leadership
  6. Initiative
  7. Adaptability and flexibility
  8. Ability to conform to organizational goals and objectives
  9. Skills and abilities related to the position

## 1004.2 LICENSED NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- a) Water Patrol Deputy
- b) Background Investigator
- c) Field Training Officer
- d) Training Deputy
- e) D.A.R.E. Deputy
- f) K-9 Handler
- g) Criminal Information Sharing and Analysis Deputy
- h) Violent Offender Task Force Deputy

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- i) Community Engagement Team
  - j) HCMC – Sheriff's Enforcement Unit

These positions are not biddable based on seniority.

#### **1004.2.1 DESIRABLE QUALIFICATIONS**

The following qualifications apply to consideration for transfer:

- a) Off probation.
- b) Has shown an expressed interest in the position applied for.
- c) Education, training and demonstrated abilities in related areas, such as, enforcement activities, investigative techniques, report writing and public relations.
- d) Complete any training required by the MN POST Board, federal or state law.

#### **1004.3 SELECTION PROCESS**

The following criteria may apply to non-seniority unit transfers.

- (a) An administrative evaluation as determined by the Sheriff that shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit recommendations.
- (b) The supervisor recommendations will be submitted to the division/unit commander for whom the candidate will work. The division/unit commander will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the division/unit commander after the interview, the division/unit commander will submit their recommendation(s) to the Sheriff.
- (d) Appointment by the Sheriff.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

#### **1004.3.1 ASSIGNMENT**

The assignment of employees' duties is at the discretion of the Sheriff or designee unless this right has been specifically limited by a labor agreement.

#### **1004.4 PROMOTIONAL SPECIFICATIONS**

Specifications for promotional opportunities are on file with the County's Human Resources Department.

#### **1004.5 SUPERVISOR CERTIFICATE**

Within one year of the effective date of assignment, all full-time first-line supervisors should complete a supervisor training course.



Document Number: **1005**  
Document Name: **Disciplinary Procedures**  
Effective Date: *February 10, 2020*  
Document Status: *Approved*

### 1005.1 PURPOSE AND SCOPE

It shall be the policy of the Office to maintain a fair, progressive discipline process based on sound management principles, collective bargaining agreements (CBA), administrative rules, and federal and state laws. Final authority and responsibility for Office discipline rests with the Sheriff or designee.

### 1005.2 SUPERVISORS RESPONSIBILITY

- a) Supervisors shall:
  - 1. Inform employees of management expectations regarding conduct, behavior, duties, and responsibilities.
  - 2. Conduct impartial investigations to determine whether or not alleged violations have occurred.
  - 3. Assess the need for and recommend appropriate discipline when violations of Office Policies, Procedures, Special Orders and/or Guidelines occur.
- b) Counseling an employee may be utilized by itself or in conjunction with one or more components of the disciplinary process. Counseling:
  - 1. Provides supervisors the opportunity to discuss the employee's action(s) and their conduct, job performance and recommendations for improved performance.
  - 2. Permits the employee an opportunity to present information which may explain the conduct.

Supervisory counseling shall occur when there is reasonable belief that an employee is experiencing difficulty understanding or adjusting to matters that are job-related. Counseling should be documented and saved and may be referenced in performance evaluations. Follow-up meetings with the employee to discuss progress towards goals should be scheduled, as appropriate.

#### 1005.2.1 RECOMMENDATION FOR DISCIPLINARY ACTION

A supervisor recommending discipline (except for an oral reprimand) shall submit a report to the division/unit commander containing the following:

- (a) The full name and rank of the person being recommended for disciplinary action.
- (b) The date(s), time(s), and location(s) of the misconduct.
- (c) The section number(s) of the manual violated and/or common description of the infraction.

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- (d) A statement describing the facts of the misconduct.
  - (e) The discipline recommended.
  - (f) A draft letter for review or signature by the appropriate Bureau Major.

This information and the supervising division/unit commander's recommendation regarding discipline shall be forwarded to the appropriate Bureau Major.

### **1005.3 DISCIPLINE**

- (a) Any employee who acts in a manner that violates their oath and trust shall be subject to discipline. Such acts may include but are not limited to:
  - 1. An offense punishable under the laws or statutes of the United States, State of Minnesota, or local ordinances.
  - 2. Violation of any provision of a policy, procedure, or guideline established by the Sheriff.
  - 3. Violation of any County rule, policy, or procedure.
  - 4. Disobeying a lawful order.
  - 5. Violating a POST Standard of Conduct or Principle of Conduct Unbecoming of a Peace Officer.
  - 6. Attendance issues such as poor attendance, not following call-in procedures, coming in late or other issues related to attendance.
  - 7. Incompetence in the performance of duty.
- (b) Oral Reprimands shall be:
  - 1. Documented in writing.
  - 2. Captain shall be notified and approve prior to the investigation.
  - 3. Issued by a supervisor of superior rank.
  - 4. Issued separately or in conjunction with other types of discipline.
  - 5. Discipline at the lowest level, notifying employees that more significant discipline could follow if performance or conduct issues are not addressed.
  - 6. Issued with one copy given personally to the employee involved, one copy placed in the employee's division/unit file, one copy filed in the Internal Affairs Unit, and one copy filed in the employee's Office personnel file.\*
- (c) Written Reprimands shall be:
  - 1. Written and issued by division/unit commanders or above and approved by a Bureau Major or person of higher rank.
  - 2. Captain shall be notified and approve prior to the investigation.
  - 3. Issued with one copy given personally to the employee involved, one copy placed in the employee's division/unit file, one copy filed in the Internal Affairs Unit, one copy filed in the employee's Office personnel file, one copy filed in the employee's County Human Resources personnel file and one copy filed with Labor Relations (where applicable).
- (d) Suspensions shall be:



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1. Issued by the Chief Deputy or designee.
  2. Captain shall be notified and approve prior to the investigation.
  3. Chief Deputy or designee will complete a Loudermill hearing at the employee's request to help ensure an objective review and process.
  4. Issued with one copy given personally to the employee involved, one copy placed in the employee's division/unit file, one copy filed in the Internal Affairs Unit, one copy filed in the employee's Office personnel file, one copy filed in the employee's County Human Resources personnel file and one copy filed with Labor Relations (where applicable).

(e) Discharge or Disciplinary Demotion shall be:

1. Issued by the Chief Deputy or designee.
2. Chief Deputy will complete a Loudermill hearing at the employee's request.
3. Copy of letter should be sent to Labor Relations and Human Resources Business Partner.
4. Issued for serious or repeated violations of Office policies, procedures, rules, regulations or any serious infraction(s) of Office written directives and may lead to the offending employee's discharge or demotion.
5. Issued with one copy given personally to the employee involved, one copy placed in the employee's division/unit file, one copy filed in the Internal Affairs Unit, one copy filed in the employee's Office personnel file, one copy filed in the employee's County Human Resources personnel file and one copy filed with Labor Relations (where applicable).

\*Discipline, discharges and disciplinary demotions shall comply with applicable statutory provisions, County Human Resources Rules and applicable labor agreements. Copies of all final discipline shall be forwarded to Internal Affairs.

### **1005.3.1 DISCIPLINE ADVISORY PANEL**

A Discipline Advisory Panel may be convened at the request of the Chief Deputy as a means to recommend to the Chief Deputy an appropriate level of employee discipline, whenever discipline is to be issued by a Bureau Major or higher rank.

The panel will consist of Bureau Majors.

The panel may review any documentation that will assist them in determining the appropriate discipline.

Upon reaching a decision, the panel will forward the discipline recommendation in writing to the Chief Deputy for final determination and/or action. The Chief Deputy may accept, reject or modify any recommendation made by the panel.

The Discipline Advisory Panel ensures that all discipline decisions are fair and consistent for all employees, throughout all divisions of the Office.

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#### 1005.4 ADMINISTRATIVE LEAVE

Supervisors have the authority to place an employee on administrative leave until the next business day.

Any employee placed on administrative leave relative to this policy shall report in person to the Chief Deputy or an available Bureau Major on the next business day at 0900, unless otherwise directed by a supervisor. The supervisor imposing the emergency suspension shall report at the same time.

#### 1005.5 ATTACHMENTS

1. [Employee Discipline](#)
2. [Mitigating/Aggravating Circumstances](#)
3. [Violation Categories](#)
4. [Discipline Matrix](#)



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|------------------|----------------------------|
| Document Number: | <b>1006</b>                |
| Document Name:   | <b>GRIEVANCE PROCEDURE</b> |
| Effective Date:  | <i>August 1, 2015</i>      |
| Document Status: | <i>Approved</i>            |

**1006.1 PURPOSE AND SCOPE**

It is the policy of this office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance, whether there is a basis for the grievance. The Office's philosophy is to promote free verbal communication between employees and supervisors.

**1006.1.1 GRIEVANCE DEFINED**

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- The employee collective bargaining agreement.
- This Policy Manual.
- County rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual employee or by an employee bargaining group representative.

Specifically excluded from the category of grievances are the following:

- (a) Complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment.
- (b) Complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity that are subject to the complaint options set forth in the Discriminatory Harassment Policy.

**1006.2 PROCEDURE**

Procedures for a handling a grievance is outlined in the various collective bargaining agreements. The bargaining agreement for the specific job class should be referenced for specific rules that must be followed.

**1006.3 EMPLOYEE REPRESENTATION**

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

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**1006.4      DISCIPLINARY ACTION**

At no time will disciplinary action be taken against a deputy sheriff or detention deputy for exercising any rights during the grievance procedure (Minn. Stat. § 626.89, Subd. 14 and Minn. Stat. § 241.026, Subd. 8).

**1006.5      GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Labor Relations Office to monitor the grievance process.



Document Number: **1008**  
Document Name: **Anti-Retaliation**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

### 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state law, ordinance or collective bargaining agreement.

### 1008.2 POLICY

The Office prohibits retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1008.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice reasonably believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.

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- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
  - Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

#### **1008.4 COMPLAINTS OF RETALIATION**

Any employee who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any Office supervisor or Human Resources.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential or private information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation, make a determination regarding a complaint and to pursue disciplinary or other action. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee is part of the investigative process.

#### **1008.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that employees under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule change made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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## **1008.6      COMMAND STAFF RESPONSIBILITIES**

The Sheriff or designee should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

## **1008.7      WHISTLE-BLOWING**

The Minnesota Whistleblower Act protects an employee who, in good faith (Minn. Stat. § 181.932):

- (a) Reports a violation, suspected violation or planned violation of any federal or state law, regulation or common law to the office or to any government body or law enforcement official.
- (b) Participates in an investigation, hearing or inquiry.
- (c) Refuses an order to perform an act that the employee objectively believes violates a law, rule or regulation, and informs the employee of the reason.
- (d) Reports a situation where the quality of health care services provided by a health care facility or provider violates a state or federal standard and potentially places the public at risk of harm.
- (e) Communicates the findings of a technical or scientific study that the employee believes, in good faith, to be truthful and accurate.

Employees who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor or Human Resources. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

## **1008.8      TRAINING**

The policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.



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|------------------|---|
| Document Number: | <b>1010</b>   |
| Document Name:   | <b>Reporting of Employee Convictions and Court Orders</b> |
| Effective Date:  | <i>December 12, 2016</i>                                  |
| Document Status: | <i>Approved</i>   |

**1010.1 PURPOSE AND SCOPE**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify their supervisor of any past and current criminal convictions.

**1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS**

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC. § 921(a) and 18 USC. § 922(d)), any person who has been convicted of a misdemeanor family violence offense is prohibited from possessing any firearm or ammunition. Because such offenses may include any conviction involving the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, child), employees shall promptly report any and all convictions of such nature.

Federal law also prohibits firearm possession by most individuals who are the subject of a domestic violence restraining order. This federal restriction does not apply to Temporary Restraining Orders (18 USC. § 922(d)(8)).

**1010.3 CRIMINAL CONVICTIONS**

Any person convicted of a felony is prohibited from being a peace officer in the State of Minnesota. Any license of a peace officer convicted of a felony is automatically revoked (Minn. Stat. § 626.8431).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this office may prohibit him/her from carrying out law enforcement duties.

Minn. Stat. § 624.713 prohibits ineligible persons from possessing a handgun or semi-automatic assault weapon.



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### **1010.3.1 COURT ORDERS**

All employees shall notify their supervisor within 24 hours or prior to returning to work if they are a party to, or have been served with, any court order from any jurisdiction.

### **1010.4 REPORTING PROCEDURE**

All employees and retired deputies with a firearms endorsement shall promptly notify their immediate supervisor in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

Retired deputies shall send this notice to the Sheriff or designee.

All licensed employees and retired deputies with a firearms endorsement shall promptly notify their immediate supervisor in writing if the employee becomes the subject of a domestic abuse restraining court order. Retired deputies shall send this notice to the Sheriff or designee.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing their duties may be disciplined including, but not limited to, being placed on paid or unpaid administrative leave, reassignment and/or termination.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.



Document Number: **1012**  
Document Name: **ALCOHOL AND DRUG USE**  
Effective Date: *December 27, 2017*  
Document Status: *Approved*

**1012.1 PURPOSE AND SCOPE**

In Section 16.3g of the Human Resources Rules, Hennepin County has established a proscription against the use and abuse of drugs and alcohol in the workplace. Additionally, in Human Resources Rules Section 6.14, the county has established the provision for testing applicants' and employees' ability to perform the duties of the position. Further, collectively bargained agreements between the county and its exclusively represented employees contain provisions, which provide for testing to determine an employee's fitness for duty.

In adopting this policy, the county is conforming to state law (as set forth in MN § 181.950, et. seq., as amended, and any administrative regulations promulgated pursuant to the state statute), which provides the framework under which applicants and employees may be tested for the improper use of drugs and alcohol.

**1012.1.1 DEFINITIONS**

**Applicant** is a person who applies to become an employee (as defined below) or volunteer of Hennepin County.

**Confirmatory Test/Confirmatory Retest** is a drug and alcohol test completed on the sample that was positive on the initial screening test, and that uses a method of analysis allowed under one of the programs listed in MN § 181.953, subdivision 1.

**Drug** is a controlled substance as defined in MN § 152.01, subd. 4 and 152.02 and as updated yearly by the rules of the Board of Pharmacists.

**Employee** is a Hennepin County employee. For purposes of this policy, an employee also includes an independent contractor, person working for an independent contractor who performs services for Hennepin County and/or a person serving in a volunteer position for Hennepin County. Including individuals serving in these capacities as "employees" for this policy in no way transforms them into "employees" for any other reason.

**Employer** means Hennepin County.

**Initial Screening Test** is a drug and alcohol test that can detect the presumptive presence of a drug, drug metabolite, or alcohol in a sample.

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**Personal Injury** means injury arising out of and in the course of employment and includes personal injury caused by occupational disease; but does not cover an employee except while engaged in, on or about the premises where the employee's services require the employee's presence as a part of that service at the time of the injury and during the hours of that service. Where the employer regularly furnished transportation to employees to and from the place of employment, those employees are subject to this chapter while being so transported. Personal injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons, and not directed against the employee as an employee, or because of the employment. An injury or disease resulting from a vaccine in response to a declaration by the Secretary of the United States Department of Health and Human Services under the Public Health Service Act to address an actual or potential health risk related to the employee's employment is an injury or disease arising out of and in the course of employment.

**Positive Test Result** is a finding of the presence of alcohol or drugs or their metabolites in the sample tested in levels at or above the legal threshold detection levels. A test result showing alcohol concentration of 0.04 or higher shall be considered a positive test for alcohol.

**Reasonable Suspicion** is the basis for forming a belief based on specific facts and rational inferences drawn from those facts.

**Random drug/alcohol testing program** is a drug/alcohol testing program where employees are selected for testing through a random selection mechanism that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected and (2) does not give an employer discretion to waive selection of any employee selected under the mechanism.

**Safety-Sensitive** is a job, including any supervisory, management or volunteer position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person. For example: where a brief lapse in judgment would endanger lives, such as a doctor/nurse/ pharmacist or a driver/equipment operator or individual who transports clients; a position that carries a firearm, such as a sheriff's deputy; and positions which involve drug interdiction, such as a detention deputy, correctional officer or juvenile correctional worker.

**Sample** is a body component sample, i.e., urine or blood, which is appropriate for drug and alcohol testing; in most cases the sample will be urine.

**Valid Medical Reason** is (1) A written prescription, or an oral prescription reduced to writing, which satisfies the requisites of Minnesota Statutes Section 152.11, and names the applicant or employee as the person for whose use the prescription is intended; and (2) the drug was prescribed, administered and dispensed in the course of professional practice by or under the direction and supervision of a licensed doctor, as described in Minnesota Statute Section 152.12, and (3) the drug was used in accordance with the terms of the prescription.

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## 1012.2 WORK RULES

The following rules are applicable to all employees of Hennepin County:

While at work, using county equipment or on county premises (work sites), no employee shall:

- Threaten or endanger himself/herself or another individual;
- Abuse county property;
- Use county property in an unauthorized fashion;
- Be intoxicated or drink alcoholic beverages during working hours;
- Make, possess, sell, buy, transfer, consume or be under the influence of a controlled substance/drug; or
- Be under the influence of a prescribed or over-the-counter drug that impairs his/her physical or mental abilities to the degree that the health and/or safety of the employee or others could be affected by the action or inaction of the employee.

## 1012.3 PERSONS SUBJECT TO TESTING

All applicants and employees are subject to testing as defined in the Circumstances for Requesting Applicant/Employee to Undergo Testing section of this policy. However, no person will be tested for drugs or alcohol without the person's consent. The manager/supervisor or his/her designee will request an individual to undergo drug and alcohol testing only under the circumstances described in this policy. The manager/supervisor may not send an employee or job applicant to be tested for drugs and/or alcohol to a testing laboratory owned or operated by Hennepin County.

When an applicant or employee is requested to take a drug and alcohol test, the manager/supervisor shall first provide the individual the opportunity to read the Hennepin County Drug and Alcohol Testing Policy. Following the individual's receipt of the policy, the manager/supervisor shall provide a form upon which the applicant or employee will acknowledge that the employee has received/seen this policy and indicate whether she/he is or is not willing to be tested for drugs and alcohol.

## 1012.4 APPLICANT/EMPLOYEE CIRCUMSTANCES TO UNDERGO TESTING

### A. APPLICANT TESTING

All final candidates for safety-sensitive classes and/or positions, including all temporary non-continuous appointments and volunteer positions, shall be requested to take a drug test. Employees, who currently occupy a safety-sensitive position and have previously passed a Hennepin County drug test, shall not be required to take another drug test as a condition of appointment. Before an individual or final candidate can be requested to take the drug test, he/she must be offered employment conditionally based on passing the drug test.

### B. EMPLOYEE TESTING

1. Employees may be requested to undergo drug and alcohol testing as part of a medical checkup program established by a department director, for all employees in

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a class(es) and/or department unit(s), provided that the drug and alcohol portion of the medical checkup program is not given more than once a year and employees are each given at least two weeks' notice of such requirement to test.

2. Employees shall be requested to undergo drug and alcohol testing without prior notice under any of the following circumstances:
  - a. When the manager/supervisor has reasonable suspicion that an employee is using or under the influence of a drug(s) or alcohol during working hours, or while using county equipment or while on the employer's premises (worksite). Whenever practicable, the reasonable suspicions of the manager/supervisor should be reviewed and confirmed by a second member of management in a higher level before requesting the employee to submit to testing.
  - b. When the employee has violated a written rule set out in the Work Rules section of this policy.
  - c. When the employee, during working hours, has sustained a personal injury as that term is defined in MN § 176.011, subd. 16, which requires medical treatment; or has caused another person to sustain a personal injury requiring medical treatment, or death.
  - d. When the employee has caused a work-related accident where the total property damage is anticipated to be in excess of \$3,000, or was operating or helping to operate machinery, equipment, or vehicles involved in such a work-related accident.
  - e. When the county has referred the employee for chemical dependency treatment or evaluation, or the employee is participating in a chemical dependency treatment program under an employee benefit plan, the employee may be requested to undergo drug or alcohol testing without prior notice during the evaluation and treatment period, and for a period of up to two years following the completion of - or the opportunity to complete - any prescribed chemical dependency treatment program.
  - f. When randomly selected under a departmental random drug/alcohol testing program. Random drug/alcohol testing programs may be established for safety-sensitive jobs.
3. When an employee has reasonable suspicion that his/her superior is using or under the influence of a drug(s) or alcohol during working hours, the employee may report his/her suspicions to the superior's department director or to the Human Resources Director who will investigate and take appropriate action.

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## 1012.5 REFUSAL TO UNDERGO TESTING

All applicants and employees have the right to refuse to undergo drug and alcohol testing. If an individual refuses to undergo drug and alcohol testing requested by the manager/supervisor, no such test shall be given. Attempts to delay the taking of the test, or failure to take the test at the appointed time and place designated by the manager/supervisor, may be considered a refusal to test.

An applicant who refuses to take a drug test shall be disqualified from further consideration for the conditionally offered position and the applicant's name shall be removed from the current eligible list for the job class.

An employee refusing to take a drug and alcohol test requested by a manager/supervisor will be considered insubordinate by the manager/supervisor and will be subject to disciplinary action including possible dismissal. In a disciplinary hearing resulting from an appeal of disciplinary action, the manager/supervisor shall have the burden of showing a just-cause basis for requesting the test.

## 1012.6 RIGHTS OF THE APPLICANT/EMPLOYEE

The testing laboratory shall prepare a written report indicating the drugs, alcohol or their metabolites tested for and whether the test produced negative or positive test results, and shall send the report to the Human Resources Drug Testing Coordinator within three (3) working days when the initial screening test result was negative or following a positive confirmatory test.

Within three (3) working days following receipt of the written report of the test results from the testing laboratory, the Human Resources Drug Testing Coordinator shall inform the applicant or employee in writing of the following:

- a. A negative test result on an initial screening or a positive test result that has been verified by a confirmatory test;
- b. The right to request and receive a copy of the test results report;
- c. The right to request, within five (5) working days after a notice of a positive test result, a second confirmatory test of the original sample at the applicant's or employee's expense (unless the test result is negative in which case the county will pay for the test) at the original testing laboratory or another licensed testing laboratory;
- d. For a positive test for drugs, the right to submit information to the Medical Review Officer (MRO) within three (3) working days after notice of a positive test result to explain that result; including but not limited to, information regarding any over-the counter or prescription medications that may have affected the test. If an employee tests positive for marijuana and the employee is in Minnesota's Medical Marijuana Registry Program, the employee may inform the MRO or the Employer of this fact. On any type of positive test, the applicant or employee may, within three (3) working days of notice of a positive test, submit information to the Employer to explain the positive test;

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- e. The right of an employee who has been suspended without pay to be reinstated with back pay if the outcome of the initial test, confirmatory or employee-requested confirmatory retest is negative and other rights of MN § 181.953, subd. 10;
  - f. The right of an employee who has made a timely request for a confirmatory retest to suffer no adverse action if the confirmatory retest does not confirm the result of the original confirmatory test;
  - g. In the case of applicants, that the employer may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test;
  - h. If an applicant or employee test result is dilute, the Medical Review Officer (MRO) will determine whether or not a recollection needs to occur. An applicant or employee must report for recollection within 24 hours after notification; the second test result will be the result of record. If the second test is also dilute, the applicant or employee will have an opportunity to present any medical evidence they might have to indicate why there was a dilute result.

The Human Resources Drug Testing Coordinator will immediately inform the manager or supervisor of a negative test result on an initial screening, or will inform the manager/supervisor of a positive test result.

#### **1012.7 POSITIVE TEST RESULTS ACTIONS**

No adverse Human Resources action will be taken on the basis of a positive test result on an initial screening test unless the positive result is verified by a confirmatory test. Following a positive test result in a confirmatory test, or in any confirmatory retest requested by the applicant or employee, Hennepin County will take the following action:

- a. An applicant or current employee who is a finalist for a safety-sensitive position will be disqualified from further consideration for the conditionally offered position, have his/her name removed from all eligible lists, and may be disqualified by the Human Resources Director from applying for positions in the classified service with Hennepin County for up to five years. Additionally, a current employee will be referred for a chemical use/dependency evaluation as noted in the next section.
- b. An employee who tests positive may not be discharged solely on the basis of the first positive test, but may be disciplined and will be referred for an evaluation by a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency. If that evaluation determines that the employee has a chemical dependency or abuse problem, the manager/supervisor will give the employee an opportunity to participate in an appropriate drug or alcohol treatment (counseling or rehabilitation) program, at the employee's own expense or pursuant to coverage under an employee benefit plan.
- c. If an employee tests positive for marijuana and the employee is in Minnesota's Medical Marijuana Registry Program, unless federal law or funding requires otherwise, the employee may not be disciplined solely for testing positive for marijuana. Such an

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employee, though, may be subject to disciplinary action including possible dismissal for using or possessing marijuana at work or for being impaired at work.

If the employee either refuses to participate in the counseling or rehabilitation program, or fails to successfully complete the program, the manager/supervisor may take whatever disciplinary action, including discharge that she/he deems appropriate. (Failure to successfully complete the program includes withdrawal from the program prior to its completion, poor attendance or if, in the view of the treatment staff, the employee did not actively participate in the program.) If the employee is not dismissed, the employee will be subject to testing without prior notice for a period of two years following completion of – or the opportunity to complete – the treatment program pursuant to this policy.

When the employee has a positive test result within two years following completion of a treatment program, the manager/supervisor may take whatever disciplinary action, including discharge that he/she deems appropriate.

Notwithstanding any other provisions herein, the manager/supervisor may temporarily suspend or reassign an employee to another position pending the outcome of the confirmatory test, and any confirmatory retest if requested by the employee, provided the manager/supervisor believes such action is in the best interests of the county (See Human Resources Rule 17.4).

Positive test results from a drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested (MN § 181.954, subd. 4.)

## **1012.8 APPEALS PROCEDURES**

Disciplinary actions taken pursuant to this Drug and Alcohol Testing Policy are appealable pursuant to the procedures established in the Human Resources Rules or any applicable collective bargaining agreement, but not both. Veterans shall be treated in accordance with MN § 197.46.

## **1012.9 POLICY EXCEPTIONS**

Nothing in this policy limits or restricts the right of the manager/supervisor to discipline or discharge an employee for conduct, which violates any of Human Resources Rules or department policy/work rules.

Nothing in this policy limits or restricts the right of the county to establish other provisions, which are in compliance with State and Federal statutes or requirements.

## **1012.10 DATA PRIVACY**

The purpose of collecting a body component sample of blood or urine is to test that sample for the presence of drugs and alcohol. The name, initials and social security number of the person providing the sample are necessary for the sample to be identified accurately, but confidentially.



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All data collected under this policy is intended for use in determining the suitability of the applicant or employee for employment.

An applicant or employee may refuse to supply the requested data; however, refusal to supply the requested data may affect the person's employment status.

The employer will not disclose drug and alcohol test reports and other information acquired in the drug and alcohol testing process to another employer or to a third party individual, governmental agency or private organization without the written consent of the person tested, unless permitted or required by law or court order. Any individual who releases information about the results of a drug or alcohol test or other information acquired in the drug and alcohol testing process to an unauthorized person or organization will be subject to discipline, unless the individual can prove to the appropriate authority the existence of significant mitigating circumstances sufficient to modify or eliminate the disciplinary action.



Document Number: **1014**  
Document Name: **Absences and Attendance**  
Effective Date: *September 28, 2022*  
Document Status: *Approved*

**1014.1 PURPOSE AND SCOPE**

Some employees of this office are provided with leave hours that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825.100), Minnesota's Pregnancy and Parenting Leave law (Minn. Stat. §181.941) and Minnesota's Sick and Safety Leave law (Minn. Stat. §181.9413).

**1014.2 EMPLOYEE RESPONSIBILITIES**

Sick leave or paid time off may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not reasonably possible to schedule such appointments during non-working hours.

Unscheduled absences may result in discipline and/or denial of leave benefits. Employees on unscheduled absences shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from injury or illness.

**1014.2.1 NOTIFICATION**

Employees shall notify an immediate supervisor or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor.

When the necessity for an absence(s) is foreseeable, such as an expected birth or planned medical treatment, the employee shall provide notice to the Office as soon as reasonably possible and with no less than 30-days' notice of the intent to take leave.

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### **1014.3 EXTENDED ILLNESS**

Members on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Members absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of paid leave and/or the ability to return to work.

### **1014.4 PATTERNED ABSENTEEISM**

The number of absences that can be used for safety leave or to care for an employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, step-parent, grandparent, grandchild or adult person regularly residing in the employee's immediate household may not exceed 160 hours in any 12-month period. (Minn. Stat. §181.9413.)

Leave usage is subject to approval and verification by the Office. After three consecutive days' absence, the Office may require the employee to furnish a report from a recognized physical or mental authority attesting to the necessity of the leave, and other information the Office deems necessary, as provided in the Article herein titled "Fitness for Duty." Acceptable reports shall come from an authority who was physically seen in person or virtually. On-line clinics such as Virtuwel will not be accepted. Members whose absences are habitual, patterned or inappropriate, may be required to submit such report for absences of less than three days duration.

If employees' unscheduled absences exceed 12 occurrences in a rolling 12-month period, are absent from work while maintaining insufficient leave balances to cover their absence and/or exhibit a patterned abuse of unscheduled absenteeism, the employees may be subjected to progressive discipline, as outlined in the Office Disciplinary Procedure Policy, up to and to include termination.

#### **1014.4.1 EXCLUSIONS**

The following situations are not considered a patterned absence:

- (a) Employer Approved Leave
  - 1. Holidays (scheduled days)
  - 2. Vacation
  - 3. Funeral Leave
  - 4. SLWOP/Admin LWP
  - 5. Union Leave
  - 6. Military Leave
  - 7. Leave approved in advance for medical/dental appointments
  - 8. Jury Duty
- (b) Workers Comp and Work Related Injuries
- (c) FMLA Certified Absences

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- (d) Minnesota Pregnancy and Parenting Leave law qualifying absences
  - (e) Minnesota's Sick and Safety Leave law qualifying absences
  - (f) Disciplinary Time Off
  - (g) Other State or Federal Protective Leave

#### **1014.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor leave usage and regularly review the attendance of employees under their command to ensure that the use of leave is consistent with this policy.

Except for absences covered by one of the exceptions above, supervisors should address unscheduled absences in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of unscheduled absences by the employee have a negative impact on office operations. When appropriate, supervisors should counsel employees regarding the excessive use of unscheduled absences and should consider referring the employee to:

1. The Employee Assistance Program and/or
2. The Personnel Unit to determine if their absences may qualify under the FMLA.

#### **Links:**

[Family Medical Leave \(sharepoint.com\)](#)



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|------------------|--------------------------------|
| Document Number: | <b>1018</b>                    |
| Document Name:   | <b>SMOKING AND TOBACCO USE</b> |
| Effective Date:  | <i>August 1, 2015</i>          |
| Document Status: | <i>Approved</i>                |

### 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in County or Office facilities or vehicles.

### 1018.2 POLICY

The Office recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. Office employees will also abide by the County's Smoke Free policy.

### 1018.3 EMPLOYEE USE

Smoking and tobacco use by employees is prohibited anytime employees are in public view representing the Office.

Smoking and use of other tobacco products is not permitted inside any County facility, office or vehicle.

It shall be the responsibility of each employee to ensure that no person under their supervision smokes or uses any tobacco product inside County facilities and vehicles.

### 1018.4 ADDITIONAL PROHIBITIONS

No employee shall smoke, even while out of view of the public or off-duty, in areas properly posted with "No Smoking" notices nor shall any employee use tobacco products on public school property (Minn. Stat. § 609.681; Minn. Stat. § 144.4165). The Administration Supervisor should ensure that proper signage is in place for notice of areas where tobacco use is restricted (Minn. R. 4620.0500).



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|------------------|-----------------------------|
| Document Number: | <b>1020</b>                 |
| Document Name:   | <b>Personnel Complaints</b> |
| Effective Date:  | <i>August 28, 2017</i>      |
| Document Status: | <i>Approved</i>             |

## 1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this office (Minn. R. 6700.2200), and in compliance with the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89) and the Correctional Officers Discipline Procedures Act (Minn. Stat. § 241.026).

Regardless of the source of an allegation of misconduct, all such matters will be investigated pursuant to state or local law and any applicable collective bargaining agreement. The investigation should be completed within six months of the discovery of the allegation or within a reasonable time thereafter based upon the complexity or conditions of the investigation.

The Office investigates all complaints alleging a violation of law.

Additional guidance, provisions, changes or additions may be contained in the collective bargaining agreement.

### 1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy, federal, state or local law. Misconduct allegations or complaints may be generated internally or by the public. All complaints shall be documented in writing.

Inquiries about employee conduct or performance that, if true, would not qualify as a violation may be handled informally by a supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Office's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

**Contact No Case** – A complaint received in which no policy violation is either alleged or, subsequent to investigation, can be determined.

**Informal** - A matter of a minor nature in which the complaining party is notified that appropriate action has been taken by an Office supervisor of rank greater than the accused employee. The responsible supervisor shall have the discretion to handle the complaint at the division/unit level and in any manner consistent with this policy. A

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supervisor receiving a complaint that cannot be handled at the division/unit level shall refer the complainant to the Internal Affairs Unit (IAU).

**Inquiry** - A matter in which the complaining party makes an allegation regarding specific actions of a minor nature. An inquiry is generated through the IAU.

**Formal** - A matter in which the complaining party requests further investigation or which an Office supervisor determines that further action is warranted. Such complaints shall be referred to the IAU because of the seriousness and complexity of the investigation. This requires a formal complaint.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information

## 1020.1.2 DEFINITIONS

**Complainant** - A person claiming to be the victim or witness of misconduct by any Office employee. Complaints stating the signer's knowledge also may be filed by members of the law enforcement agency (Minn. Stat. 626.89 Subd. 5).

**Disciplinary Action** - A disciplinary suspension, demotion in rank, written or oral reprimand, termination or any combination of those actions.

**Focus** - The person who allegedly committed the misconduct.

**Formal Complaint** - An allegation of employee misconduct which requires either a written complaint signed by a complainant or allegations taken from a complainant in the presence of an Internal Affairs Investigator.

**Formal Statement** - The questioning of an employee in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the employee (Minn. Stat. § 626.89 Subd. 1 (b) and Minn. Stat. 241.026 Subd. 1 (c)).

**Investigation** - An administrative investigation, conducted by the Office, of alleged misconduct by an officer that could result in punitive action.

**Investigator** - An agent or employee of the Office who is assigned to conduct an investigation.

## 1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

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### **1020.2.1 AVAILABILITY OF COMPLAINT FORMS**

Personnel complaint forms will be maintained in a clearly visible location in the public lobby of the IAU.

### **1020.2.2 SOURCE OF COMPLAINTS**

Complaints will be accepted from the following:

- (a) An Office employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (d) A complaint received by the Minnesota POST Board alleging a violation of a statute or rule that the board is empowered to enforce (Minn. R. 6700.1600).

### **1020.2.3 ACCEPTANCE OF COMPLAINTS**

All written complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally either in person or by telephoning the Office and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to re-contact the complainant. The supervisor upon re-contact of the complainant shall complete and submit the personnel complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:

- (a) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Office policy or procedure, a complaint need not be taken.
- (b) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.



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- (c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

If the complainant wishes to file a formal complaint, they shall be referred to the IAU.

#### **1020.2.4 COMPLAINT DOCUMENTATION**

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original personnel complaint.

Formal complaints of alleged misconduct shall be documented by a supervisor and referred to an IAU investigator. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor shall document informal complaints as a supervisor or Watch Commander log entry.

#### **1020.3 INITIAL SUPERVISOR RESPONSIBILITIES**

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

If an inquiry is referred, the IAU investigator shall fill out an "Inquiry Form" detailing the nature of the concern expressed by the reporting party. This inquiry form shall be forwarded to the division/ unit commander who may assign a supervisor to investigate the inquiry.

The investigating supervisor may contact the reporting party to acquire a better understanding of the allegations and shall discuss the incident with the employee(s) involved in the incident.

The investigating supervisor shall complete the inquiry form, noting any action taken. The completed form shall be forwarded to the division/unit commander for review. The division/unit commander shall forward the completed inquiry form to the IAU.

The responsibility for the investigation of a formal complaint shall rest with the IAU. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Division/Unit Commander is notified as soon as practicable.

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- (b) A supervisor receiving or initiating any formal complaint shall ensure that the complaint information has been documented as fully as possible and forward the complaint information to the IAU for further action. The supervisor shall also notify their Division Commander.
1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  2. If injuries to the complainant are part of the complainant's allegation, immediate medical attention, if appropriate, should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.
  3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division/Unit Commander, who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to state and federal law, and an applicable CBA.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Personnel Unit and the Division/Unit Commander for direction regarding his/her role in investigation and/or addressing the complaint.

#### **1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

A supervisor may place an employee on paid administrative leave until the next business day. Any employee placed on paid administrative leave relative to this policy shall report in person to the Chief Deputy or an available Major on the next business day at 0900, unless otherwise directed by a supervisor. The supervisor imposing the emergency suspension shall report at the same time. Employees may also be placed on paid administrative leave for a pending investigation only after receiving the approval of the Sheriff or the authorized designee, and the County Human Resources Director (Human Resources Rule 17.4).

##### **1020.4.1 ADMINISTRATIVE LEAVE**

An employee placed on administrative leave may be subject to the following guidelines:

- (a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Office identification, assigned weapon(s) and any other Office equipment.

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- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as an Office employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
  - (d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
  - (e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division/Unit Commander.

## **1020.5 ALLEGATIONS OF CRIMINAL CONDUCT**

Where an employee of this Office is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution, or may be held in abeyance until a certain stage or conclusion of the criminal matter.

The Sheriff shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Sheriff may request a criminal investigation by an outside law enforcement or prosecutorial agency be conducted.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the employee may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Office policy.

## **1020.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE**

Investigations of a minor nature may be assigned to the employee's supervisor provided the supervisor was not involved as a witness or an alleged participant in the incident. Allegations that are more serious will be assigned to the IAU for investigation. Whether conducted by a supervisor or an assigned member of the IAU, the following procedures shall be followed with regard to the accused employee(s) in compliance with the Peace Officer Discipline

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Procedures Act (Minn. Stat. § 626.89), the Correctional Officers Discipline Procedures Act (Minn. Stat. § 241.026), and CBA:

- (a) The Investigator shall not be a person who is the complainant, the ultimate decision maker regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct.
- (b) Within a reasonable amount of time before an investigator begins the initial interrogation, the Office must:
  - 1. Provide the employee the name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation.
  - 2. Provide the employee the date, time and place of interrogation or hearing.
  - 3. Provide the employee in writing a summary of alleged misconduct and a description of the nature of the investigation.
  - 4. Provide the employee a copy of the signed complaint prior to the administrative hearing (Minn. Stat. § 626.89, Subd. 5).
- (c) An investigator may not interrogate or take a formal statement of an employee unless the complainant signs the transcription of the complaint, unless internally generated.
- (d) Interviews of accused employees shall be conducted during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated (Minn. Stat. § 626.89, Subd. 7).
- (e) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors requiring that time is of the essence.
- (f) A formal statement will be taken at the employee's usual place of work or at a place agreed upon by the accused employee. An investigator may not interview an employee at that person's home without the employee's prior permission (Minn. Stat. § 626.89, Subd. 4).
- (g) Generally, no more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.
- (h) All interviews shall be for a reasonable period or duration. The employee's personal needs shall be accommodated (Minn. Stat. § 626.89, Subd. 7).
- (i) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- (j) The interviewer shall record all interviews of employees and witnesses. If the employee has been previously interviewed, a copy of that recorded interview shall be provided upon request or prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).

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- (k) Before a formal statement is taken, the employee shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10 and Minn. Stat. § 241.026, Subd. 5).
  - (l) If the allegations involve potential criminal conduct, the employee shall be advised of his/ her constitutional rights. This admonishment shall be given administratively whether the employee was advised of these rights during any separate criminal investigation.
  - (m) The focus of the investigation whose formal statement is taken shall have the right to have a representative or attorney of his/her choosing during any interrogation (Minn. Stat. § 626.89, Subd. 9). To maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.
  - (n) All employees shall provide complete and truthful responses to questions posed during interviews.
  - (o) An employee may not be compelled nor requested to submit to a polygraph examination or be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).
  - (p) An employee's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

#### **1020.6.1 ADMINISTRATIVE SEARCHES**

An employee of this Office may be administratively ordered to submit to a blood or urine test for alcohol and drugs consistent with the organization's drug and alcohol testing procedure, Minnesota state law for employment drug and alcohol testing in the workplace and Hennepin County's Drug and Alcohol Testing policy.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Office.

Employees shall have no expectation of privacy in regards to assigned lockers, work office, desk and storage spaces provided by the Office and the contents therein.

#### **1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT**

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

**Introduction** - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

**Synopsis** - Provide a very brief summary of the facts giving rise to the investigation.

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**Summary Of Allegations** - List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence As To Each Allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation, and include comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

## 1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve Office personnel. Additionally, complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not Involved** - The investigation established that the employee who is the subject of this complaint was not involved in the specific allegation(s).

**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Policy Failure** - The incident may or may not have occurred, but the investigation disclosed needed policy or procedure improvements.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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## **1020.8 COMPLETION OF INVESTIGATIONS**

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

Investigations should be completed within three months of the date the Office becomes aware of the allegation. The Sheriff may extend the period to six months if the investigation reasonably requires such an extension.

Should additional time be required, a written request should be made to the Sheriff, generally 30 days before the end of the period, requesting an extension. A request for extension should include the reason for the request and the completion date requested. Such a request must be approved by the Sheriff or the authorized designee in writing and a copy provided to the accused employee.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

Upon completion, the report should be forwarded to the Sheriff through the chain of command of the involved employee.

The Sheriff may accept or modify the classification and recommendation for disciplinary action contained in the report.

Notice to the complaining party shall be provided as soon as practicable following final disposition and be consistent with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.43 Subd. 2(b)).

### **1020.8.1 POST ADMINISTRATIVE INVESTIGATIONS**

The Minnesota POST Board may require an administrative investigation based upon a complaint alleging a violation of a statute or rule that the board is empowered to enforce. Any such misconduct allegation or complaint assigned to this office shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10 Subd. 10).

### **1020.8.2 WITHDRAWN COMPLAINTS**

If the complainant withdraws their complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal.

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## **1020.9 CONFIDENTIALITY OF PERSONNEL FILES**

All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained separately from peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel, except pursuant to lawful process, such as Minn. R. 6700.2500. Data in closed files shall be treated as private or public data depending on whether discipline was imposed upon the employee.

All records of investigations shall be securely maintained for no less than the periods established by the organization's records retention schedule.

### **1020.9.1 SUSTAINED COMPLAINTS**

Before being placed in the peace officer's file, the employee will have an opportunity to read and initial the comment or document. If the peace officer submits a written response, the response will be attached to the comment or document (Minn. Stat. § 626.89, Subd. 13).

No disciplinary letter or reprimand may be included in an employee's personnel record unless the employee has been given a copy of the letter or reprimand.

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the office that relates to the investigation, including any recordings, notes, transcripts of interviews and documents.

Sustained complaints shall be maintained in the employee's personnel file for the prescribed period. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Unit apart from the employee's personnel file.

## **1020.10 POST INVESTIGATION PROCEDURES**

### **1020.10.1 REPRIMANDS**

Any employee wishing to formally appeal a reprimand must submit a written request to his/her Division/Unit Commander within 30-days of receipt of the reprimand or as provided for in the collective bargaining agreement. The Division/Unit Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days or as provided in the collective bargaining agreement.



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Reprimands may only be placed in an employee's personnel file after it is received by the employee (see generally Minn. Stat. § 626.89, Subd. 13).

### **1020.10.2 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed misconduct or personnel investigation, the Division/Unit Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials. The Division/Unit Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Sheriff, the Division/Unit Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Chief Deputy, the Division/Unit Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

### **1020.10.3 RESPONSIBILITIES OF THE SHERIFF OR DESIGNEE**

Upon receipt of any written recommendation for disciplinary action, the Sheriff or designee shall review the recommendation and all accompanying materials. The Sheriff or designee may modify any recommendations and/or may return the file to the Division/Unit Commander for further investigation or action. Once the Sheriff or designee is satisfied that no further investigation or action is required by staff, the Sheriff or designee shall determine the amount of discipline, if any, to be imposed. In the event that disciplinary action is recommended, the Sheriff or designee shall provide the employee with written notice of the following information:

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Sheriff or designee in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
  - 1. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.

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2. If the employee elects to respond orally, the presentation shall be recorded by the Office. Upon request, the employee shall be provided with a copy of the recording.

## **1020.11 EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative and/or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses (Minn. Stat. § 626.89, Subd. 9).
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issue(s) of information raised in any subsequent materials.
- (f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received concerning the recommended discipline. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Sheriff has issued a written decision, the discipline shall become effective subject to the collective bargaining agreement or other rights of the employees, such as those under the Veteran's Preference Act.

## **1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file. The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

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## **1020.13 POST-DISCIPLINE APPEAL PROCEDURE**

Rules governing any appeals of discipline are governed by an applicable CBA, the County Human Resources Act Minn. Stat. § 383B.38 or County Human Resource Rules Section 17. Minnesota Veterans Preference Act Minn. Stat. § 197.46 also applies to discharges and demotions.

Unless otherwise specified in a collective bargaining agreement or applicable law, an employee wishing to formally appeal the imposition of discipline, including a suspension, punitive transfer, demotion or termination of a non-probationary employee, the employee shall have the right to an appeal of the Sheriff's imposition of discipline:

- (a) All members of the Office who receive formal disciplinary action may appeal the disciplinary decision through the grievance procedure.
- (b) Individuals wishing to appeal disciplinary actions must do so in writing within five days of receiving notice of discipline.
- (c) An employee may seek judicial relief after exhausting Office grievance procedures and other administrative remedies through application to the proper court as allowed by law or agreement.

## **1020.14 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES**

In the event that a probationary employee is terminated for misconduct, unsatisfactory performance or the failure to meet Office standards, the employee shall have no right to appeal, except for an employee covered by the Veterans' Preference Act. A probationary employee covered by the Veterans' Preference Act is additionally entitled to written notice of the charges and the intent to terminate, suspend or demote, and his/her right to request a hearing within 30 days of receipt of the notice. Failure to request the hearing in the time specified waives the right to the hearing and all other legal remedies. Any hearing shall be held in compliance with law (Minn. Stat. § 197.46).

## **1020.15 MAINTENANCE OF RECORDS**

During an investigation, records shall be maintained in a secure manner by the IAU investigator and/or the investigating supervisor. The IAU shall maintain master records of IAU cases and discipline under the direct control of and accessible only to the Sheriff, Chief Deputy and IAU commander or a designee.

The IAU commander shall be responsible for maintaining records of all formal investigations in a secure facility under their direct supervision and control. These records shall be retained and disposed of in accordance with Minnesota Statutes Chapter 13 Minnesota Government Data Practices Act and Chapter 138 Records Retention.



Document Number: **1022**  
Document Name: **Seat Belts**  
Effective Date: *September 25, 2015*  
Document Status: *Approved*

**1022.1 PURPOSE AND SCOPE**

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees operating or riding in Office vehicles or aircraft (Minn. Stat. § 169.686).

**1022.1.1 DEFINITIONS**

**Child Passenger Safety Seat System** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards set forth in 49 CFR Part 571 (Minn. Stat. §169.685 Subd. 5 (e)).

**1022.2 WEARING OF SAFETY RESTRAINTS**

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle or aircraft owned, leased or rented by this office, while on or off-duty, or in any privately owned vehicle or aircraft while on-duty. The employee operating such a vehicle or aircraft shall ensure that all other occupants, including non-employees, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Employees must be prepared to justify any deviation from this requirement.

**1022.2.1 TRANSPORTING CHILDREN**

An approved child passenger safety seat system should be used for all children younger than 8 years of age and shorter than 4 feet 9 inches tall (Minn. Stat. § 169.685 Subd. 5 (b)).

However, if a child passenger restraint is not available, a deputy may transport the child using the standard seat belt (Minn. Stat. § 169.685 Subd. 6 (a) (2)).

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Rear seat passengers in a cage-equipped vehicle may have reduced clearance which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, deputies should consider arranging alternative transportation.

### **1022.3 TRANSPORTING PRISONERS**

Prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or by seat belts when a prisoner restraint system is not available. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. Seat belts shall be fastened prior to transporting the prisoner. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

### **1022.4 INOPERABLE SEAT BELTS**

No Office vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff or designee.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### **1022.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.



Document Number: **1024**  
Document Name: **Body Armor**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**1024.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide deputy sheriffs with guidelines for the proper use of body armor.

**1024.2 POLICY**

It is the policy of the Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

**1024.2.1 EMPLOYEE DEVELOPMENT UNIT RESPONSIBILITIES**

The Employee Development Unit will be responsible for the administration and oversight of the Office soft body armor purchase and replacement program. As part of this program, the Employee Development Unit will maintain records of all soft body armor purchases and estimated replacement dates.

The Employee Development Unit will also:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Office approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

**1024.3 ISSUANCE OF BODY ARMOR**

The Employee Development Unit shall ensure that body armor is issued to all deputies when the deputy begins service at the Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Employee Development Unit shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor

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becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### **1024.3.1 USE OF SOFT BODY ARMOR**

Generally, the use of body armor is required subject to the following:

- a) Deputies shall only wear Office-approved body armor.
- b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- d) Body armor shall be worn when a deputy is working in uniform or taking part in Office firearm training.
- e) A deputy may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

### **1024.3.2 INSPECTIONS OF BODY ARMOR**

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

### **1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR**

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.



Document Number: **1026**  
Document Name: **PERSONNEL FILES**  
Effective Date: *December 12, 2016*  
Document Status: *Approved*

**1026.1 PURPOSE AND SCOPE**

This section governs the maintenance, retention and access to personnel data in accordance with established law. It is the policy of this office to maintain personnel data pursuant to state law.

Data practices requests shall be processed and handled in accordance with the Minnesota Government Data Practices Act (MGDPA) (Minnesota Statutes Chapter 13).

Without regard to where and how stored, all data about a current or former employee or applicant for employment shall be defined and classified as personnel data consistent with Minn. Stat. §13.43. All data relating to a criminal investigation of a current or former employee or applicant shall be defined and classified as criminal data consistent with Minn. Stat. § 13.82.

**1026.2 ADMINISTRATIVE FILES**

**Administrative file** - Any file of an employee containing information, comments or documents about an employee. The term does not include any file relating to an internal investigation. An Administrative File is a personnel file.

**1026.2.1 REQUIRED PERSONNEL FILE CONTENTS**

Unfavorable comments or documents entered into an employee's personnel file require that the employee has the opportunity to read, initial or comment. If the employee refuses to initial or comment, a notation is to be made upon the document. The employee may also submit a written response to the document.

The personnel file should contain any letter, memorandum or document relating to:

- (a) A commendation, congratulation or honor bestowed on an employee by a member of the public or by the Office for an action, duty or activity that relates to official duties.
- (b) Any misconduct by the employee if the letter, memorandum or document is from the Office and if the misconduct resulted in disciplinary action.
- (c) The periodic evaluation of the deputy by a supervisor.



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## 1026.2.2 PERMITTED PERSONNEL FILE CONTENTS

The personnel file may also contain:

- (a) Personal data, including dependent data, educational and employment history and similar information.
- (b) Election of employee benefits.
- (c) Employee advancement or promotion.

Medical history including medical leave of absence forms, fitness-for-duty examinations, workers' compensation records, medical releases and all other records that reveal an employee's past, current or anticipated future medical conditions will be maintained in the Professional Standards Division, but stored in a separate file from other personal data.

## 1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**County Personnel Files** - Administrative files and other employee files maintained by the County and not under the control of the Sheriff.

**Personnel File** - That file that is maintained in the Office as a permanent record of an employee's employment with this office.

**Division File** - Any file that is separately maintained internally by an employee's supervisor(s) within an assigned bureau for the purpose of completing timely performance evaluations.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - A file maintained separately that exclusively contains material relating to an employee's medical history.

**Training File** - Any file which documents the training records of an employee.

## 1026.4 CONFIDENTIALITY OF PERSONNEL FILES

Private data contained in the above defined personnel files shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law or with the employee's written consent. Nothing in this section is intended to preclude review of personnel files by the County Administrator, County Attorney or other attorneys or representatives of the County in connection with official business (Minn. Stat. § 13.43).

## 1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any data classified as other than public contained in any personnel record will be considered. Since the format of such requests may be strictly

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governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Shift Supervisor, the Custodian of Records or other Office member charged with the maintenance of such records.

Upon receipt of any such request, the responsible Office member shall notify the affected employee as soon as practicable that such a request has been made.

The responsible Office member shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases this will require assistance of approved and available legal counsel.

All requests for disclosure that result in access to an employee's personnel data shall be logged in the corresponding file and the affected employee shall be notified.

#### **1026.5.1 RELEASE OF PRIVATE DATA**

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Sheriff designee (Minn. Stat. § 13.43; Minn. Stat. § 181.967 Subd. 4).

Except as otherwise provided by law the home address and any photograph of an employee in the possession of the Office is private data (Minn. Stat. § 13.43, Subd. 2 (c)).

Any person who intentionally discloses private data may be guilty of a crime.

#### **1026.6 EMPLOYEE ACCESS TO OWN FILE**

Upon request, an employee may review all data of that employee other than data classified as confidential. After the employee has been shown the private data and informed of its meaning, the data need not be disclosed to that employee for six months thereafter unless a dispute or action is pending or additional data on the employee has been collected or created (Minn. Stat. § 13.04, Subd. 3.)

The employee or their authorized representative may, except as otherwise prohibited by federal or state law, review any data relating to the investigation, including any recordings, notes, transcripts of interviews and documents, if the investigation causes the Office to impose discipline and the employee has the right to access to defend in that proceeding.

Any employee seeking the removal of any data from their personnel file shall file a written request to the Sheriff through the chain of command. The Office shall thereafter remove any such data if appropriate, or within 30 days provide the employee with a written explanation why the contested data will not be removed. If the contested data is not removed, the employee's request and the organization's written response shall be retained with the contested data in the employee's personnel file. If the contested data is ultimately removed, the written responses

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shall also be removed (Minn. Stat. § 181.962, Subd. 1). An employee not satisfied with this resolution may seek such other remedies as are authorized by the MGDPA.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the employee.

## **1026.7 TYPES OF PERSONNEL FILES**

The Office may maintain a personnel file on an employee for the Office's use, but the Office may not release any data contained in the Office file to any agency or person requesting data relating to an employee except as authorized or required by the MGDPA. The Office shall refer to the Sheriff or designee any person or agency that requests personnel data.

Personnel files can be located in any of the following places:

### **1026.7.1 SHERIFF'S PERSONNEL FILE**

The Personnel file should contain, but is not limited to, the following:

- a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained and a copy provided to the employee.
  - 1. The employee may make a statement in writing, which shall be attached to the performance evaluation.
- b) Disciplinary action.
  - 1. Disciplinary action shall be maintained in the individual employee's personnel file consistent with the organization's records retention schedule.
  - 2. Investigations of complaints that do not result in discipline shall not be placed in an employee's personnel file, but will be separately maintained for the appropriate retention period in the internal affairs file.
  - 3. Data related to discipline that has been entirely overturned on appeal shall not be placed in an employee's personnel file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- c) Commendations shall be retained in the employee's personnel file, with a copy provided to the involved employee(s).
- d) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- e) A photograph of the employee.

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## **1026.7.2 DIVISION FILE**

The Division File should contain, but is not limited to, the following:

- a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely performance evaluations.
  - 1. Duplicate copies of items that will also be included in the employee's Office file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  - 2. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- b) All data practices shall apply equally to the division file.
- c) A record of a supervisory intervention procedure or a policy and procedure inquiry regarding an employee shall not be maintained except in the division file.

## **1026.7.3 INTERNAL AFFAIRS FILE**

The Internal Affairs file shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the Office. Access to these files may only be approved by the Sheriff, a designee or the supervisor of the Internal Affairs Unit. These files shall contain:

- a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.
  - 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 10-001, 10-002) with an alphabetically arranged index cross-referenced for each involved employee.
- b) Internal investigations files shall be securely maintained for the minimum periods as identified in the Personnel Complaints Policy.

## **1026.7.4 TRAINING FILES**

An individual training file shall be maintained by the Employee Development Unit for each employee. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications, including mandated annual qualification.

- a) It shall be the responsibility of the involved employee to provide the Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
- b) The Lieutenant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

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## 1026.7.5 MEDICAL FILE

A private medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including, but not limited to, the following:

- a) Materials relating to medical leaves of absence.
- b) Documents relating to workers' compensation claims or receipt of short- or long-term disability benefits.
- c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.
- e) Any other documents or material that reveal the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

## 1026.7.6 EMPLOYEE ASSISTANCE PROGRAM FILE

Employee assistance records must be kept separate from personnel records and shall not become part of an employee's personnel file (Minn. Stat. § 181.980, Subd. 3).

## 1026.8 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as *Brady* material, contained within personnel files.

### 1026.8.1 DEFINITIONS

**Brady material** - In *Brady v. Maryland* 373 U.S. 83 (1963), the U.S. Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence that is favorable to the defendant.

**The prosecution** - Refers to any prosecuting attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this office.

### 1026.8.2 RELEASE OF PERSONNEL FILES TO PROSECUTOR

Generally, the only time the prosecutor is entitled to access non-public personnel data without filing a court motion is when they are investigating the conduct of an employee of this office. Minn. Stat. § 13.43, Subd.15 permits this office to disclose non-public data to law enforcement for the purpose of reporting a crime or alleged crime or assisting a law enforcement agency in the investigation of a crime allegedly committed by an employee.

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Such access shall not be considered a waiver of the privacy of the data contained in these files.

Absent authority to disclose the data under Minn. Stat. § 13.43, Subd.15, another statute, or the consent of an involved employee, non-public personnel data shall be released to the prosecutor only pursuant to a court order or search warrant.

Should an employee's credibility or other issues related to an employee's personnel file arise in the context of that employee acting as a witness for the prosecution, access to that employee's personnel file by either the prosecutor or the criminal defendant shall be limited to that which is authorized by the court or applicable law.

### **1026.8.3 PROCEDURE**

If an employee is a witness in a criminal case, a person or persons designated by the Sheriff may examine the subject employee's personnel data to determine whether there are *Brady* materials contained therein (e.g., evidence that may be favorable to the defendant, including evidence concerning the employee's credibility). If potential *Brady* material is located, the following procedure shall apply:

- (a) In the event that a court motion has not already been filed by the criminal defendant or other party, the prosecutor shall be notified of the potential presence of *Brady* material in the employee's personnel file.
- (b) In the case of non-public data the prosecutor should be advised of the option to file a motion in order to initiate an in camera review by the court. If the data is classified as public data a copy of it shall be provided to the prosecutor.
- (c) Prior to any review of the files by the court the subject employee(s) shall be notified in writing that a court motion has been filed.
- (d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court.
- (e) If the court determines that there is relevant *Brady* material contained in the file(s), only that material ordered released will be copied and released to the parties filing the court motion.
  1. Prior to the release of any non-public data to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.



Document Number: **1027**  
Document Name: **Record Keeping**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**1027.1 POLICY**

It shall be the policy of the Office to keep essential records that are appropriate for the effective delivery of law enforcement services. Accordingly, the Office shall maintain and share records with other criminal justice agencies in compliance with state and federal laws.

**1027.2 RESPONSIBILITY**

Each division or unit shall maintain records related to their particular division or unit and designate a custodian of those records who will also serve as the primary Data Practices Designee. By statute, the Data Practices Designee is a person designated by the sheriff to be in charge of individual files or systems containing government data and to receive and comply with requests for government data. Each division and unit shall appoint a primary Data Practices Designee and one additional person to serve in a back-up capacity. A list of the Data Practices Designees is available through the Professional Standards Division. The division or unit Data Practices Designee shall be responsible for:

- Ensuring all reports are completed and retained in compliance with federal and state laws, local ordinances, and policies and procedures set by the Office or County.
- Specifying the types of records to be maintained.
- Complying with all data practices laws and security requirements concerning record-keeping and distribution.
- Utilizing applicable forms as designated.
- Implementing proper distribution procedures to ensure that reports are routed to the appropriate divisions, units or agencies.
- Providing proper supervisory review of reports and records maintained in the division or unit.
- Ensuring that there is a current records retention schedule covering all divisional or unit data.
- Destroying records consistent with the appropriate records retention schedule.

**1027.3 SHARING OF INFORMATION**

All divisions and units shall share appropriate information with other employees of the Office to enhance efficiency and effectiveness.

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## 1027.4 ADMINISTRATIVE CONTROL

The Major of the Administrative Services Bureau shall be designated as the Office Custodian of Records. The Chief of Staff shall be designated as the Data Practices Compliance Official as defined in the Minnesota Government Data Practices Act. The Data Practices Compliance Official is the employee of the government entity to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

## 1027.5 COMPREHENSIVE LAW ENFORCEMENT REPORTING

On-duty employees are required to prepare a report on the following incidents which they are aware of, if the incident is alleged to have occurred in their area of responsibility:

- Citizen reports of crime.
- Citizen complaints.
- Requests for service when a deputy is advised or dispatched, an investigator is assigned or an employee is assigned to take action later.
- Criminal and non-criminal cases initiated by law enforcement officers.
- Incidents involving arrest, citation or summons.
- Incidents involving the Use of Force.

## 1027.6 MANDATED REPORTING TO OTHER AGENCIES

The list below includes, but is not limited to, the incidents which shall be reported to the appropriate governmental agency by the responsible person indicated. This reporting requirement is mandated by Minnesota Statute or by administrative procedure and shall be done in a timely manner.

- Vehicle Pursuits - Minnesota Bureau of Criminal Apprehension (BCA), Division Commander
- Bias Motivated Crimes - Minnesota B.C.A., Division Commander
- Unprofessional Conduct of an Officer (Conduct Unbecoming) - Minnesota POST Internal Affairs, Board Commander (Yearly Summary)
- Injuries Resulting from Discharge a of Firearm - Minnesota Department of Health, Division Commander
- Hunting or Sport Shooting Firearm Related Injuries - Minnesota Department of Natural Resources, Division Commander
- Peace Officer Discharge of a Firearm (excluding training and animal dispatch) – Minnesota B.C.A., Division Commander
- Maltreatment of Minors, Vulnerable Adults and Prenatal Exposure to a Controlled Substance - Hennepin County Human Services & Public Health Department, Division Commander
- Missing and Endangered Persons (Notification) - Minnesota B.C.A., Detective in charge
- Officer Involved Shooting - Minnesota B.C.A., Division Commander



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- Motor Vehicle Accidents - Minnesota Department of Motor Vehicles, Division Commander
  - Methamphetamine Lab - Minnesota B.C.A., Division Commander and the Minnesota Department of Health
  - Watercraft Accidents (over \$2000 damage) - Minnesota Department of Natural Resources, Division Commander
  - Water Accidents (non-watercraft) - Minnesota Department of Natural Resources, Division Commander
  - Recreational Vehicle Accidents (over \$500 damage) - Minnesota Department of Natural Resources, Division Commander
  - Jail Incidents (as referenced in the Adult Detention Division policy and accreditation standards) - Minnesota Department of Corrections, Division Commander



Document Number: **1030**  
Document Name: **Commendations and Awards**  
Effective Date: *October 23, 2017*  
Document Status: *Approved*

**1030.1 PURPOSE AND SCOPE**

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. Citizens may at times perform a meritorious act that deserves recognition. This procedure provides general guidelines for the commending of exceptional employee performance or meritorious acts by citizens.

**1030.2 AWARDS RECOMMENDATIONS - LAW ENFORCEMENT**

Any member of the Office may initiate such an award recommendation by completing and submitting an "Award Nomination" form, outlining justification for the award.

If the nominee is a member of this Office:

The nominator shall forward the form to the nominee's division/unit commander for informational purposes. The division/unit commander may comment in addendum format. The division/unit commander shall forward the form within five business days of receipt to the division/unit Major and the Commander of the Award Recognition Committee. The commander will log the recommendation and forward the award to the committee.

If the nominee is a member of another law enforcement agency:

The nominator shall forward the form to the nominator's division/unit commander. The division/unit commander shall forward the form to the Chief Deputy. The Chief Deputy shall notify the chief law enforcement officer of the other agency and within five working days of receipt, forward the form to the Commander of the Award Recognition Committee for record keeping.

**1030.2.1 AWARD SELECTION AND PRESENTATION - LAW ENFORCEMENT**

The Award Recognition Committee shall consider each recommendation by comparing justification information submitted to award criteria. The committee's recommendation shall be forwarded to the Chief Deputy. The Chief Deputy will make the final decision on the award recipient of each category. The Chief Deputy will sign the Award Nomination form for final approval. A copy of the signed Award Nomination form shall be sent to the Award Recognition Committee Commander. The Office's Personnel Unit shall maintain a record of all award nominations and selections. The Award Recognition Committee

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Commander shall supply appropriate information to the Personnel Unit for the upkeep of the award records.

Award recommendations, approved or disapproved, shall be placed in the employee's personnel file.

Supervisors are allowed and encouraged to write letters of appreciation or acknowledgement for their subordinates. A copy of the letter shall be sent to the Personnel Unit to be placed in the employee's personnel file.

The Sheriff may present a recognition award to whomever he deems appropriate. Award presentations shall be made by the Sheriff or designee.

### **1030.2.2 AWARD CATEGORIES - LAW ENFORCEMENT**

**Medal of Honor** - The Medal of Honor is the Office's highest award. It may be awarded for an act of outstanding bravery or heroism. Such an act would be characterized by courage in the face of great bodily harm or death. This award may be given posthumously.

The Medal of Honor shall consist of a medal, a blue-colored bar and a plaque.

**Medal of Valor** - The Medal of Valor may be awarded for an act of distinguished gallantry or valor, intelligently performed, while conscious of danger.

The Medal of Valor shall consist of a medal, a red-colored bar and a plaque.

**Award of Merit** - The Award of Merit may be awarded for an act of bravery or achievement where the service provided is significantly greater than commonly expected.

The Award of Merit may be awarded for outstanding self-initiated work, continuing dedication and devotion to a law enforcement agency or the community, or other highly creditable unusual accomplishment, as a representative of the law enforcement community.

The Award of Merit shall consist of a gold-colored bar and a plaque.

**Commendation Award** - The Commendation Award may be awarded for an act or achievement beyond normal performance requirements, which reflects great credit upon the Office and the law enforcement community.

The Commendation Award shall consist of a green-colored bar and a plaque.

**Lifesaver Award** – the Lifesaver Award may be awarded for a single act in which the deputy displayed extraordinary performance in their duty to save the life of a person that would have likely died if not for the action of the deputy.

The Lifesaver Award shall consist of a red and white bar and a plaque.

**Letter of Recognition** - The Letter of Recognition may be awarded for special efforts or actions which are noteworthy yet do not meet requirements of the above awards.

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This award shall consist of a Letter of Recognition from the Sheriff. The letter of recognition shall be drafted by the nominating division/unit and submitted to the Sheriff for review and signature.

**Career Achievement Award** - The Career Achievement Award may be awarded for consistent superior performance of assigned duties demonstrated over the course of a law enforcement career. This award pays tribute to a person whose efforts throughout their service make for significant career accomplishment.

The Career Achievement Award shall consist of a plaque.

**Unit Citation Award** - The Unit Citation Award may be awarded to a division, unit or section for exemplary service or a specific action.

The award shall consist of a commemorative plaque to be displayed at the division, unit or section. Employees directly involved may receive a certificate.

### **1030.2.3 UNIFORM DISPLAYING OF AWARDS**

Medals awarded by the Office shall be awarded in a presentation box and shall be worn only at the direction of the Sheriff.

Bars may be worn on the left breast area of the uniform shirt or jacket. Non-uniform employees may wear bars on the left lapel or left breast pocket area of civilian clothes. Bars shall be worn below the longevity pin where applicable and in descending order (Honor, Valor, Merit and Commendation). Only one bar for each award category shall be worn. An employee who receives more than one award from the same category shall be presented with a single bar identifying numerically the sum of awards received in such category.

Bars representing awards received from other law enforcement agencies by employees of this Office shall be worn immediately below Office awards and in descending order.

See display photos.



Commendation Award - green



Medal of Honor - blue  
Medal of Valor - red



Longevity Pin  
Medal of Honor & Medal of Valor



Longevity Pin  
Medal of Honor & Medal of Valor  
Award of Merit - gold



Longevity Pin  
Medal of Honor & Medal of Valor  
Award of Merit & Commendation Award

### 1030.3 AWARD NOMINATION FORM

The Award Nomination Form shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, bureau and assignment at the date and time of the commendation.
- (b) A brief account of the commendable action with report numbers, as appropriate.
- (c) Signature of the commending supervisor.

Completed reports should be forwarded to the Commander of the Award Recognition Committee for review.

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The Commander of the Award Recognition Committee will meet with the Chief Deputy who will review and sign off on each award. A copy of the nomination and/or award will be filed in the employees personnel file.

### **1030.3.1 AWARD RECOMMENDATIONS - PRIVATE CITIZEN OR ORGANIZATION**

Any member of the Office may initiate such an award recommendation by submitting an "Award Nomination" form, outlining justification for the award to the division/unit commander. The division/unit commander shall forward the form within five business days of receipt to the Lieutenant in charge of the Award Recognition Committee.

### **1030.3.2 AWARD SELECTION AND PRESENTATION - PRIVATE CITIZEN AND ORGANIZATION**

The Award Recognition Committee shall consider each recommendation by comparing justification information to award criteria. The committee's recommendation shall be forwarded to the Chief Deputy. The Chief Deputy will make the final decision on the award recipient of each category. The Chief Deputy will sign the Award Nomination form for final approval. A copy of the signed Award Nomination form shall be sent to the Award Recognition Committee Commander. The Office's Personnel Unit shall maintain a record of all award nominations and selections. The Award Recognition Committee Commander shall supply appropriate information to the Personnel Unit for the upkeep of the award records.

The Sheriff may present a recognition award to whomever he deems appropriate.

Award presentations shall be made by the Sheriff or designee.

### **1030.3.3 AWARD CATEGORIES - PRIVATE CITIZEN OR ORGANIZATION**

**Medal of Valor** - The Medal of Valor is the Office's highest citizen award. It may be awarded to a citizen who risks personal harm with the intention of providing assistance to law enforcement or another person in order to accomplish a law enforcement, civic, or humanitarian goal. This award may be given posthumously.

The Citizen Medal of Valor shall consist of a medal and a plaque.

**Award of Merit** - An Award of Merit may be awarded for an act of bravery beyond ordinary expectations.

An Award of Merit may be awarded in recognition of a citizen or organization whose significant assistance to law enforcement, another citizen or the community displays extraordinary involvement beyond ordinary expectations.

The Citizen Award of Merit shall consist of a plaque.

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**Commendation Award** - A Commendation Award may be awarded to a citizen or organization for outstanding assistance to the Office, the community, an organization, or a citizen, in the interest of public safety. The assistance rendered and awarded normally has occurred under difficult or demanding circumstances.

The Citizens Commendation Award shall consist of a plaque.

**Lifesaver Award** – the Lifesaver Award may be awarded for a single act in which the citizen displayed extraordinary performance to save the life of a person that would have likely died if not for the action of the citizen.

The Lifesaver Award shall consist of a plaque.

**Letter of Recognition** - A letter of recognition from the Sheriff may be awarded to a citizen or organization for their special effort to assist the Office. The letter of recognition shall be drafted by the nominating Division/Unit and submitted to the Sheriff for review and signature.

#### **1030.4 SHERIFF'S DISTINGUISHED SERVICE AWARD**

The Sheriff's Distinguished Service Award may be awarded to any individual or organization for an achievement where the service provided is significantly greater than commonly expected.

The Sheriff's Distinguished Service Award may be awarded for outstanding self-initiated work, continuing dedication and devotion to the community, or other highly creditable unusual accomplishment.

The Sheriff's Distinguished Service Award shall consist of a plaque.



Document Number: **1032**  
Document Name: **Fitness for Duty**  
Effective Date: *August 1, 2019*  
Document Status: *Approved*

**1032.1 PURPOSE AND SCOPE**

All employees are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of their duties. The purpose of this policy is to ensure that all employees remain fit for duty and able to perform their job functions.

**1032.2 EMPLOYEE RESPONSIBILITIES**

- a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- b) Each member of this office shall perform their respective duties without physical, emotional and/or mental constraints.
- c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- d) Any employee who feels unable to perform their duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

**1032.3 SUPERVISOR RESPONSIBILITIES**

- a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform their duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform their duties.
- c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.



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- d) In conjunction with the Shift Supervisor or the employee's available Captain, a determination should be made whether the employee should be temporarily relieved from their duties.
  - e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

#### **1032.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other leave in order to obtain medical treatment or other reasonable rest period.

#### **1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Captain, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff or designee may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Professional Standards Division to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Office with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) To facilitate the examination of any employee, the Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

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- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.
  - (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.
  - (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.
  - (g) If an employee is deemed unfit for duty by the Office, the employee may submit a report from the employee's personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

### **1032.7      LIMITATIONS ON HOURS WORKED**

Absent emergency operations, employees should not work more than 16 hours in a 24 hour period.

Employees shall be allowed to work authorized overtime hours not to exceed 24 hours in any fixed 7 day period running from Sunday through Saturday, or 12 hours of aggregated work time in any 24 hour period. Employees whose work hours exceed the overtime limitations shall notify the supervisor giving the direction. Holdover time and daylight savings time will not count toward the 24 hours in any fixed 7 day period or 12 hours of aggregated work time in any 24 hour period.

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, training, special events, contract work, general overtime and any other work assignments.



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Document Number: **1035**  
Document Name: **Lactation Break**  
Effective Date: *July 20, 2023*  
Document Status: *Approved*

**1035.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

**1035.2 POLICY**

It is the policy of this Office to provide, in compliance with the Fair Labor Standards Act and Minnesota law, a reasonable amount of break time each day and appropriate facilities to accommodate any employee who needs to express breast milk for her infant child during the twelve months following the birth of the child, pursuant to [Minn. Stat. § 181.939](#) and 29 USC § 207.

**1035.3 LACTATION BREAK TIME**

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify the appropriate person who they would normally notify prior to taking such a break. An employer is not required to provide break time if to do so would disrupt Office operations (Minn. Stat. § 181.939).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

**1035.4 PRIVATE LOCATION**

The Office will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public. The area assigned for this purpose should not be used for storage of any devices, supplies or

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expressed milk and should be returned to its original state after each use. The location must have access to an electrical outlet (Minn. Stat. § 181.939; 29 USC § 207.)

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

### **1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the employee ends her shift. Employees shall not store expressed milk in a refrigerator used by other employees unless stored in a smaller sealed lunch style bag or box type cooler.



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|------------------|----------------------------|
| Document Number: | <b>1040</b>                |
| Document Name:   | <b>Off-Duty Employment</b> |
| Effective Date:  | <i>October 23, 2017</i>    |
| Document Status: | <i>Approved</i>            |

**1040.1 PURPOSE AND SCOPE**

To avoid actual or perceived conflicts of interest for Office employees engaging in off-duty employment, all employees shall obtain written approval from the Chief Deputy or designee prior to engaging in any off-duty employment. Approval of off-duty employment shall be at the discretion of the Chief Deputy or designee in accordance with the provisions of this policy.

**1040.1.1 DEFINITIONS**

**Off-Duty Employment** - The employment of any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office for services, product(s) or benefits rendered. For purposes of this section, the definition of off-duty employment includes those employees who are self-employed and not affiliated directly with this office for services, product(s) or benefits rendered. This policy does not apply to volunteer activities for which employees receive no compensation, as long as employees do not wear their uniform or any Office insignia, or invoke their status as an Office employee.

**Outside Overtime** - Overtime involving any member of this office who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Office. Such off-duty overtime shall be requested and scheduled directly through this office so that the Office may be reimbursed for the cost of wages and benefits.

**1040.2 OBTAINING APPROVAL**

No member of this office may engage in any off-duty employment without first obtaining prior written approval of the Chief Deputy or designee. Failure to obtain prior written approval for off-duty employment or engaging in off-duty employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for off-duty employment, the employee must complete an Off-Duty Employment Application that shall be submitted to the employee's division commander. The application will then be forwarded through the appropriate chain of command to the Chief Deputy or designee for consideration.

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If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an application will be valid one year from the date in which it is approved. Any employee seeking to continue off-duty employment shall submit a new Off-Duty Employment Application in a timely manner.

#### **1040.2.1 REVOCATION/SUSPENSION OF OFF-DUTY EMPLOYMENT**

Any off-duty employment may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension.

The off-duty employment may be revoked for any reason deemed appropriate by the Chief Deputy or designee, including but not limited to:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency and the off-duty employment may be related to the employee's performance. The Chief Deputy or designee may, at their discretion, notify the employee of the intent to revoke any previously approved off-duty employment.
- (b) If, at any time during the term of a valid off-duty employment application, an employee's conduct or off-duty employment conflicts with the provisions of Office policy, or any law.
- (c) The off-duty employment creates an actual or apparent conflict of interest with the Office or County.

#### **1040.3 PROHIBITED OFF-DUTY EMPLOYMENT**

The Office expressly reserves the right to deny any Off-Duty Employment Application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this office for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this office.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this office.
- (d) Involves time demands that would render performance of the employee's duties for this office below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

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- (e) Exceeds 20 hours in any regularly scheduled work week, or 4 hours in a regularly scheduled work day. If the employee exceeds this limit, they shall notify their Division/Unit Commander.
  - (f) Conflicts with Office employment in any other way as determined by the Chief Deputy or designee.

### **1040.3.1 OFF-DUTY SECURITY EMPLOYMENT**

Due to the potential conflict of interest no member of this office may engage in any off-duty or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services, hereafter "applicant", for security or traffic control from members of this office must submit a written request to the Sheriff or designee in advance of the desired service. Such off-duty overtime will be monitored by an Office supervisor.

- a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- b) The applicant will provide a certificate of insurance in an amount approved by Hennepin County's Risk Manager and naming the County as an additional insured.
- c) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such off-duty security services.
- d) If such a request is approved, any employee working off-duty overtime shall be subject to the following conditions:
  - 1. The deputy(s) shall wear the Office uniform/identification or a uniform as determined by the Sheriff or designee.
  - 2. The deputy(s) shall be subject to all the policies and procedures of this office.
  - 3. No deputy may engage in such off-duty employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved off-duty security services shall be pursuant to normal overtime procedures, but at the Chief Deputy's or designee's discretion the special detail provisions of the Fair Labor Standards Act may be utilized.
  - 5. Off-duty employment or off-duty overtime shall not be subject to the collective bargaining process.
  - 6. No deputy may engage in off-duty employment as a peace officer for any other public agency without prior written authorization of the Chief Deputy or designee.

### **1040.3.2 OFF-DUTY OVERTIME ARREST AND REPORTING PROCEDURE**

Any employee making an arrest or taking other official law enforcement action while working in an approved off-duty overtime assignment shall be required to complete all

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related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the off-duty overtime assignment.

### **1040.3.3 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Chief Deputy or designee, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the deputy's law enforcement status.

### **1040.4 OFFICE RESOURCES**

Unless approved by a Division/Unit Commander, employees are prohibited from using any Office equipment or resources in the course of or for the benefit of any off-duty employment. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the employee's position with this office.

### **1040.5 CHANGES IN OFF-DUTY EMPLOYMENT STATUS**

If an employee terminates their off-duty employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief Deputy or designee through the appropriate chain of command. Any subsequent request for renewal or continued off-duty employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief Deputy or designee any material changes in off-duty employment including any change in the number of hours, type of duties or demands of any approved off-duty employment. Employees who are uncertain whether a change in off-duty employment is material shall report the change.

### **1040.6 OFF-DUTY EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE**

Office members engaged in off-duty employment that are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in off-duty employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the off-duty employment along with any work-related doctor's orders and make a recommendation to the Chief Deputy or designee whether such off-duty employment should continue or be suspended or revoked.

In the event the Chief Deputy or designee determines that the off-duty employment should be discontinued or if the employee fails to promptly notify their supervisor of their intentions regarding the off-duty employment, a notice of intent to revoke the employee's application will be forwarded to the involved employee and a copy attached to the original application. The revocation process outlined in this policy shall be followed.



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Criteria for revoking or suspending the off-duty employment while on disability status or administrative leave include, but are not limited to, the following:

- (a) The off-duty employment is medically detrimental to the total recovery of the disabled employee, as indicated by the County's professional medical advisors.
- (b) The off-duty employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.
- (d) The off-duty employment is not compatible with the reason the employee is on administrative leave.



Document Number: **1042**  
Document Name: **ON-DUTY INJURIES**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

## 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to the Office's Professional Standards Division, to ensure proper medical attention is received and document the circumstances of the incident.

## 1042.2 WORKERS' COMPENSATION

### 1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries, exposures to communicable disease and work-related illnesses requiring medical care must be documented. Death, serious injuries and injuries that wholly or partly incapacitate an employee for more than three calendar days must be reported to the Minnesota Department of Labor and Industry (DLI) (Minn. Stat. § 176.231 Subd. 1). A claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Records of work-related injuries and work-related illnesses shall be maintained as prescribed by Minnesota law in the County workers' compensation file.

### 1042.2.2 DEFINITIONS

Definitions related to this policy include:

**Accident** - Any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

**Occupational Disease** - A mental impairment or physical disease arising out of and in the course of employment that is peculiar to the occupation in which the employee is engaged and due to causes in excess of the hazards ordinary of employment and shall include undulant fever. Mental impairment is not included if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Office (Minn. Stat. § 176.011 Subd. 15).

**Personal Injury** - Any mental impairment or injury arising out of and in the course of employment, including personal injury caused by occupational disease, while engaged in,

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on or about the premises where the employee's services require the employee's presence as a part of that service at the time of the injury and during the hours of that service (Minn. Stat. § 176.011, Subd.16). Personal injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons and not directed against the employee as an employee or because of the employment. Mental impairment is not included if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Office.

### **1042.2.3 EMPLOYEE RESPONSIBILITIES**

An employee observing or learning of a potentially hazardous condition is to promptly report the condition to their immediate supervisor. The employee must write an Employee Incident Report, complete a First Report of Injury form and follow all instructions detailed on the Office intranet site under First Report of Injury.

Absent supervisory approval, an employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician.

An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Office policies and directives relating to the duty to periodically call in during absences in addition to the duty to notify the Office of any change in condition or anticipated duration of the absence.

An injured employee or employee who has suffered a work-related illness shall report as soon as practicable to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to Hennepin County Worker's Compensation.

### **1042.2.4 SUPERVISOR RESPONSIBILITIES**

A supervisor learning of any work related injury, illness or accident should promptly complete a Supervisor's Incident Report to be forwarded to the Office Personnel Unit.

The supervisor shall verify the content of the employee's First Report of Injury form and provide the employee with a Medical Treatment form. This form and all other supervisor instructions are detailed on the Office intranet site under First Report of Injury.

For work-related accidents, injuries or illness not requiring professional medical care, a First Report of Injury memorandum shall be completed. The completed memorandum shall be forwarded through the chain of command.

Copies of any reports documenting the accident or injury should be forwarded to the Office Personnel Unit.

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### **1042.2.5 OFFICE PERSONNEL UNIT RESPONSIBILITIES**

The Office Personnel Unit shall ensure prompt notice is made to the Hennepin County Worker's Compensation, so the requisite DLI First Report of Injury Form can be completed and forwarded to the DLI in compliance with (Minn. Stat. § 176.231 Subd. 1.)

Any occupational injury, illness or accident in which an employee is killed or more than three employees are hospitalized shall be reported within eight hours to the DLI (800-342-5354) or if after business hours, to the federal Occupational Safety and Health Administration (800-321-6742) pursuant to 29 CFR § 1904.39.

### **1042.2.6 DIVISION COMMANDER RESPONSIBILITIES**

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Personnel Unit.

## **1042.3 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed.

### **1042.3.1 EMPLOYEE TO REPORT INITIAL CONTACTS**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to their supervisor as soon as practicable.

### **1042.3.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to their supervisor as soon as practicable.



Document Number: **1044**  
Document Name: **Personal Appearance Standards**  
Effective Date: *November 30, 2021*  
Document Status: *Approved*

## 1044.1 PURPOSE

To project uniformity and neutrality toward the public and other members of the Office, employees shall maintain high standards of their personal hygiene, grooming and appearance to promote a professional image appropriate for this office and for their assignment.

### 1044.1.1 DEFINITIONS

**Authorized Headgear** - Any headgear worn as part of a uniform, riot control or for safety purposes to include but not limited to hats, helmets and gas masks.

**Body Ornamentation** – includes but is not limited to; tattoos, scarifications, brandings, body art, body mutilation, transdermal implants, and body and tongue piercings

**Branding** - The act of intentionally burning the skin for the purpose of creating a design, form, or figure.

**Piercing** - The act of creating a hole in any part of the body for the purpose of inserting an object, jewelry or other ornamentation either through or beneath the skin.

**Jewelry** - Any item worn by personnel that is ornamental, religious, or used as a medical alert for specific problems.

**Scarification** - The act of intentionally cutting the skin for the purpose of creating a permanent design, form or figure commonly known as a scar.

**Tattoo** - An indelible mark or figure fixed upon the body by insertion of pigment under or above the skin.

**Transdermal Implants** - A form of body modification used both in a medical and aesthetic context. In either case, it consists of an object placed partially below and partially above the skin, thus transdermal. The skin around it generally heals as if it were a piercing.

**Unauthorized Jewelry** - Any jewelry that interferes with job safety or is deemed offensive or ostentatious.

**Undercover Personnel** - Personnel assigned to a unit that works in an undercover capacity or working plainclothes covert assignments.

**Uniformed Personnel** - An employee required to wear an Office uniform.

## 1044.2 GROOMING STANDARDS

All personnel shall present a neat, well-groomed appearance and keep themselves clean so not to be offensive to others.

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Cosmetics may be used in moderation and not unusual in appearance as to attract undue attention. Fragrance shall be worn at a minimum. Employees wearing strong scents may be asked to wash them off and should not reapply lotions, colognes or perfumes at the workplace. A strong scent is defined as any fragrance detectable at a distance greater than two feet from the person wearing it.

The fingernails of on-duty deputies and detention deputies shall not extend more than 1/8" beyond the end of the finger and shall be rounded (e.g., not trimmed to a point). No nail ornaments may be worn. No nail color may be worn if it attracts undue attention.

#### **1044.2.1 HAIR**

Employee's hair shall be clean, neatly groomed and styled in a manner that does not interfere with their assigned duties.

Dyed, tinted or bleached hair must be within a naturally occurring color range and must be professional in appearance. For purposes of this policy a naturally occurring color range does not include unique hair colors such as pink, blue, purple or green.

While in uniform, hair must not touch, lap or curl over the top of the shirt collar when an employee is assuming a normal stance. Uniformed employees with hair that exceeds collar length shall pull back or otherwise fasten their hair in such a way (i.e. ponytail, bun, braid, etc.) so as not to interfere with their uniform or pose a risk to the employee's safety and effectiveness. The hair shall not interfere with the proper wearing of any required equipment. Any hair combs, pins, barrettes or bands shall be brown, black, gold, or silver colored and simple in design.

Employees working in a job assignment requiring prisoner/suspect contact may not wear a ponytail or braid hanging down past the back bottom of the shirt collar.

Wigs may be worn provided they comply with the above hair regulations.

The division commander shall establish grooming standards for personnel working in an undercover capacity. Undercover personnel must be aware of the current policy regarding personal grooming for any future reassignment back to a uniform position.

#### **1044.2.2 FACIAL HAIR**

Employees shall keep all facial hair clean and neatly trimmed. Employees are permitted to wear mustaches, goatees or beards with the following conditions:

- Mustaches shall not extend below the upper lip or past the corners of the mouth. No handlebar, walrus, or other such mustaches shall be allowed.
- Employees assigned to work areas where they may on occasion be assigned to wear a respirator (e.g. licensed and detention deputies) can either be clean shaven or wear facial hair. However, any facial hair must be neatly trimmed (e.g. 1/4") and cannot interfere with the sealing surface of a respirator. No facial/neck hair shall be shaved, manicured, styled or outlined in a non-conventional manner.
- Sideburns shall not extend below the bottom of the ear canal opening. Sideburns shall be worn straight, neatly trimmed and be of uniform width from top to bottom.

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Sworn employees who are members of the HCSO Honor Guard, while participating in services or memorials as part of the Honor Guard, are prohibited from having a beard or goatee while in uniform.

### **1044.2.3 JEWELRY AND ACCESSORIES**

Uniformed licensed deputies, detention deputies, special deputies and detention technician personnel shall not wear necklaces that are visible.

Uniformed licensed deputies, detention deputies, special deputies and detention technicians with pierced ears, including cartilage piercings, may wear post-type stud earrings not larger than 1/4" in diameter. Hoops, wire-type, and earrings and cartilage piercings that hang down are not authorized.

Employees shall not wear unauthorized jewelry.

### **1044.3 BODY ORNAMENTATION**

Prohibited body ornamentations:

- Tattoos that are visible and may be considered racist, sexist, gang related, obscene or sexually explicit, vulgar, indecent, extremist, generally offensive or prejudicial are prohibited.
- Tattoos on the knuckles or hand (see exceptions)
- Body ornamentations on the throat, face or head (see exceptions)
- Tattoos on the sides of the neck

Exceptions to the body ornamentations on the neck, face, hands, or head:

- Those required for medical purposes
- Reasonable cosmetic purposes
- Tattoos behind the ear or nape of the neck
- Small hand/finger tattoos or wedding band tattoos
- Nose piercings (stud type)

Supervisors reserve the right to determine if a tattoo is prohibited and requires covering while on duty. The Sheriff or designee will make the final determination as to what is or is not offensive.

Tattoos that are not prohibited in this section are permissible and do not require covering while on duty. Existing visible body ornamentation deemed unacceptable must be covered by the long sleeve uniform shirt, dress shirt or other approved covering while on duty.

Any employee who obtains a prohibited body ornamentation that cannot be covered by approved covering(s) (e.g. long sleeved uniform shirt, dress shirt or other approved covering) will remove the body ornamentation at their own expense or risk termination.

#### **1044.3.1 DISCIPLINE**

Any employee who does not comply with this policy is subject to discipline up to and including termination.



Document Number: **1046**  
Document Name: **Uniform Regulations**  
Effective Date: *September 28, 2022*  
Document Status: *Approved*

## 1046.1 PURPOSE AND SCOPE

The uniform policy of the Office is established to ensure that uniformed deputies, special assignment personnel and non- licensed employees will be readily identifiable to the public through the proper use and wearing of Office uniforms. Employees should also refer to the following associated policies:

- Firearms
- Office Owned and Personal Property
- Body Armor
- Personal Appearance Standards

A document containing [uniform and equipment specifications](#) is maintained and periodically updated by the Employee Development Unit. The document should be consulted regarding authorized equipment and uniform specifications.

The Office will provide some uniform items for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The uniforms for deputies of this office shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

## 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Office employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All peace officers of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the Office's uniform specifications and procedures which are maintained separately from this policy.



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- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
  - (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
  - (g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Office functions or events.
  - (h) If the uniform is worn while in transit while driving a personal vehicle an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.
  - (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform, including the uniform pants.
  - (j) Mirrored sunglasses will not be worn with any Office uniform

### **1046.2.1 OFFICE ISSUED IDENTIFICATION**

The Office issues each employee an official Office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Office-issued identification card at all times while on-duty or when carrying a concealed weapon.

- a) Whenever on-duty or acting in an official capacity representing the Office, employees shall display their Office issued identification in a courteous manner to any person upon request and as soon as practicable.
- b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their division commander.

### **1046.3 UNIFORM CLASSES**

#### **1046.3.1 CLASS A UNIFORM**

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all licensed personnel. The Class A uniform includes the standard issue uniform with:

- a) Long sleeve shirt with tie.
- b) Authorized poly/cotton trousers (no cargo pants.)
- c) Polished shoes.

The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

#### **1046.3.2 CLASS B UNIFORM**

All deputies will possess and maintain a serviceable Class B uniform at all times. The Class B uniform is considered deputies day-to-day uniform and will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- a) A short sleeve shirt may be worn with an open collar and no tie is required.

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- b) A black crew neck t-shirt may be worn with the uniform. Refer to uniform specifications for the authorized t-shirt.
  - c) A white V-neck t-shirt may be worn with the uniform, as long as it is not visible.
  - d) A long sleeve shirt can be worn with a tie or a brown mock neck shirt/dickey.
  - e) All shirt buttons must remain buttoned except for the last button at the neck.
  - f) Authorized vest carrier. Specific carrier is authorized by the Division Commander.
  - g) Trousers from the authorized uniform specifications list.
  - h) Polished shoes/boots.
  - i) Boots with pointed toes are not permitted.

### 1046.3.3 CLASS C UNIFORM

The Class C uniform may be worn in lieu of the uniform when attending Office training or if authorized by your supervisor.

1. Black short/long sleeve polo shirt (Red polo for Employee Development)
2. Authorized BDU trousers (Refer to uniform specifications)
3. Polished boots

Other colors of the polo shirt are authorized for licensed employees. Refer to the authorized uniform specifications. **If attending HCSO training, the black polo shirt is the only approved color.**

### 1046.3.4 CLASS D - DRESS UNIFORM

Command Staff (Lieutenants and above) shall maintain a dress uniform to be worn during special occasions and ceremonies.

Members of the Honor Guard shall maintain a dress uniform to be worn during special occasions and ceremonies.

Refer to the uniform specifications for specific information on those uniforms.

### 1046.3.5 SPECIALIZED UNIT UNIFORMS

The Sheriff or designee may authorize special uniforms and equipment to be worn by deputies in specialized units such as Canine Unit, ESU, Bicycle Patrol, Water Patrol and other specialized assignments.

### 1046.3.6 INCLEMENT WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

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## 1046.4 INSIGNIA, PATCHES AND AWARDS

- a) Shoulder patches - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets, one-quarter of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- b) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name or first name initial and last name. The nameplate will be placed on the right pocket flap, centered ½" below the top edge.
- c) The authorized vest carrier shall be worn with the regulation nameplate (plate or Velcro version) affixed in the same manner as the uniform or with the first name initial and last name embroidered in black above the right front pocket.
- d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- e) Military Insignia – Active duty, reserve and veteran members of the military branches (Air Force, Army, Coast Guard, Marine Corps and Navy) may wear their branch insignia, provided by the Office, on the right pocket flap immediately below and centered on the nameplate. Civilians may wear the insignia on the right collar of the Office issued polo shirt.
- f) Assignment Insignias - Assignment insignias, (e.g., ESU, FTO, Honor Guard or similar) may be worn as designated by the Sheriff or designee.
- g) Flag patch - An American flag patch of a size not to exceed 3 inches by 5 inches may be worn on the sleeve or above the right front pocket using appropriate flag display etiquette (Minn. Stat. § 15.60). Telecommunicators may wear the authorized first responder flag patch on their polo shirt.
- h) Badge - The Office-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Licensed non-uniform personnel will wear or carry their badge in a manner that it is in reasonable proximity to their firearm and able to be displayed whenever appropriate.
- i) Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff or designee may authorize exceptions.
- j) Display of awards shall be in conformity with the Commendations and Awards Policy.
- k) Hash Marks
  - 1. The designated patch indicating the employee's years of service in the following work groups:
    - a) Licensed deputies and licensed supervisors
    - b) Detention supervisors
    - c) Telecommunicator supervisors
  - 2. Hash marks will represent total years of service in the categories listed below. Total years of service in multiple categories will not be combined.
    - a) Licensed deputies and licensed supervisors - Total years of service as a licensed peace officer in the State of Minnesota

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- b) Detention supervisors - Total years of service as a detention/correctional officer in the State of Minnesota.
  - c) Telecommunicator supervisor - Total years of service as a 911 PSAP Telecommunicator in the State of Minnesota
3. Hash marks designate years of service in five-year increments:
- a) 5-10 years of service - One (1) hash mark
  - b) 10-15 years of service - Two (2) hash marks
  - c) 15-20 years of service - Three (3) hash marks
  - d) 20-25 years of service - Four (4) hash marks
  - e) 25-30 years of service - Five (5) hash marks
  - f) 30-35 years of service - Six (6) hash marks
4. Hash marks will be worn on the left sleeve of the long sleeve uniform shirt and on the left sleeve of the authorized fleece liner. The bottom corner of the patch will be sewn  $\frac{3}{4}$  above the top of the cuff seam. The side of the patch will be even with the sleeve crease.

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## Uniform Hats



Sheriff, Chief Deputy, Majors, Captains, Lieutenants and Sergeants will wear a felt hat with gold acorns for official events, as directed.



Deputy Sheriff's will wear a felt hat for official events, as directed.

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### Fleece Liner - Collars



Sheriff shall wear four gold stars on each collar with the lower star 1/2" from the front edge and 1/2" from the outer edge.



Chief Deputy shall wear one gold star on each collar 1/2" from the front edge and 1/2" from the outer edge.



Majors shall wear one gold oak leaf on each collar 1/2" from the front edge and 1/2" from the outer edge.



Captains shall wear a double gold bar on each collar parallel with the front edge, 1/2" from the front edge, centered between the outer and inner edges.



Lieutenants shall wear a single gold bar on each collar parallel with the front edge, 1/2" from the front edge, centered between the outer and inner edges.

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### Shirt Collars



Sheriff shall wear four gold stars on each collar with the lower star 1/2" from the front edge and 1/2" from the outer edge.



Chief Deputy shall wear one gold star on each collar 1/2" from the front edge and 1/2" from the outer edge.



Majors shall wear one gold oak leaf on each collar 1/2" from the front edge and 1/2" from the outer edge.



Captains shall wear a double gold bar on each collar parallel with the front edge, 1/2" from the front edge, centered between the outer and inner edges.



Lieutenants shall wear a single gold bar on each collar parallel with the front edge, 1/2" from the front edge, centered between the outer and inner edges.

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### Hash Marks (Uniform Shirt and Fleece Liner)



Hash marks will be worn on the left sleeve of the long sleeve uniform shirt and the fleece liner. The bottom corner of the patch will be sewn  $\frac{3}{4}$  above the top of the cuff seam. The side of the patch will be even with the sleeve crease.





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## Sergeant Chevrons

Sergeants shall wear gold chevrons on each shirt and jacket sleeve ¼ inch below the Office patch centered on the sleeve.



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## ***Nametags and Patches***



The American Flag shall be sewn above the right-hand shirt and jacket pockets. The flag (3.5" x 2") shall be centered against the top edge of the pocket flap.

The shirt nametag shall be gold, ½" high by 2 3/8" long. All lettering will be black, in capitals and centered on the name tag. The deputy shall use their full last name and may use their first initial, first and middle initials or full first name. The deputy's rank will be below the name. The nametag will be placed on the right pocket flap, center ½" below the top edge.



The winter jacket and fleece liner's nametags shall be gold, 5/8" high by 2 5/8" long. All lettering will be black, in capitals and centered on the nametag. The deputy shall use their full last name and may use their first initial, first and middle initials or full first name. The deputy's rank will be below the name. The nametag will be placed on the right front of the jacket, inserted in the name tab and below the flag.

One Office patch shall be worn centered on each sleeve of the shirt, winter jacket and fleece liner, and ¼" down from the shoulder seam.



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**Authorized Vest Carrier(s) – May require Division Commander approval**

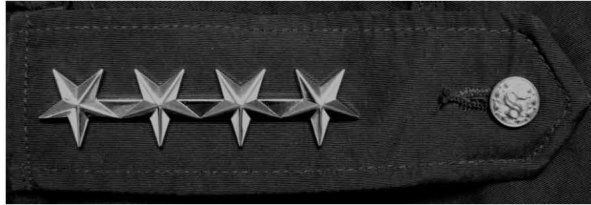


**Military Insignia**

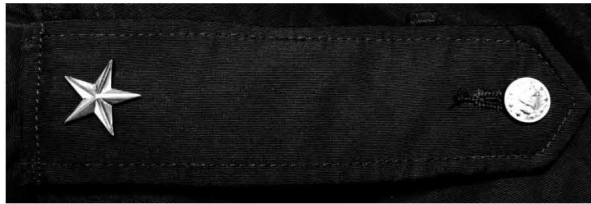


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## Jacket Epaulets



Sheriff shall wear four gold stars on each epaulet starting 1/2" from the seam.



Chief Deputy shall wear one gold star on each epaulet starting 1/2" from the seam.



Majors shall wear one gold oak leaf centered on each epaulet with the leaf stem 1/2" from the seam.



Captains shall wear a double gold bar centered on each epaulet starting 1/2" from the seam.



Lieutenants shall wear a single gold bar centered on each epaulet starting 1/2" from the seam.

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## Jacket Sleeves



Sheriff shall have six gold stripes,  $\frac{1}{2}$ " wide, on the sleeves of the jacket. The first stripe shall be 3" from the edge of the sleeve. There will be a  $\frac{1}{4}$ " space between stripes.



Chief Deputy shall have five gold stripes,  $\frac{1}{2}$ " wide, on the sleeves of the jacket. The first stripe shall be 3" from the edge of the sleeve. There will be a  $\frac{1}{4}$ " space between stripes.



Majors shall have four gold stripes,  $\frac{1}{2}$ " wide, on the sleeves of the jacket. The first stripe shall be 3" from the edge of the sleeve. There will be a  $\frac{1}{4}$ " space between stripes.



Captains shall have three gold stripes,  $\frac{1}{2}$ " wide, on the sleeves of the jacket. The first stripe shall be 3" from the edge of the sleeve. There will be a  $\frac{1}{4}$ " space between stripes.



Lieutenants shall have two gold stripes,  $\frac{1}{2}$ " wide, on the sleeves of the jacket. The first stripe shall be 3" from the edge of the sleeve. There will be a  $\frac{1}{4}$ " space between stripes.



Sergeants shall have one gold stripes,  $\frac{1}{2}$ " wide, on the sleeves of the jacket. The first stripe shall be 3" from the edge of the sleeve. There will be a  $\frac{1}{4}$ " space between stripes.

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#### 1046.4.1 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- a) A deputy of this office - From the time of death until midnight on the 14th day after the death.
- b) A deputy from this state - From the time of death until midnight on the day of the funeral.
- c) Funeral attendee - While attending the funeral of a fallen deputy.
- d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.
- e) As directed by the Sheriff or designee.

#### 1046.5 CIVILIAN ATTIRE

Civilian employees may wear the Office civilian uniform, which consists of a polo shirt with the HCSO logo.

The following uniform items are authorized for civilian employees:

- (a) Short sleeve polo shirt with the HCSO logo.
- (b) Long sleeve polo shirt with the HCSO logo.
- (c) Black fleece jacket with the HCSO logo.
- (d) Black fleece vest with HCSO logo.
- (e) Black knit cardigan with HCSO logo.
- (f) Black short sleeve t-shirt worn under the polo shirt.

Available colors for the polo shirt are black, navy blue, royal blue, olive green or gray. Kitchen staff in the Adult Detention Division are authorized to wear the red polo shirt only.

The uniform specifications can be found under the [Employee Development Unit link](#) on the Sheriff's Office home page. Additional items will be added to the authorized list.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear appropriate business attire (e.g., suit, sport coat, sweater, tie, turtleneck, banded-collar shirt, polo shirt, slacks) and appropriate dress or casual shoes that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear appropriate business attire (e.g., suit, blazer, dress, skirt, sweater, blouse, turtleneck, banded-collar shirt, dress shirt, polo shirt, slacks) and appropriate dress or casual shoes that are moderate in style.
- (d) The following items shall not be worn on-duty:
  1. T-shirt alone.
  2. Open-toed sandals, flip-flop style shoes or athletic style shoes.
  3. Swimsuit, tube tops or halter tops.

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4. Spandex type pants, leggings, stirrup pants or see-through clothing.
  5. Distasteful printed slogans, logos, buttons or pins.
  6. Denim pants of any color.
  7. Shorts or Capri style pants.
  8. Sweatshirts, sweatpants or exercise style clothing.
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to wearing such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Office or the morale of the employees.
- (g) Licensed employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

#### **1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM**

Unless specifically authorized by the Sheriff, Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize an Office badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify themselves as an employee of the Office to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

#### **1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT**

Maintenance and replacement of any equipment that is optional shall be the financial responsibility of the purchasing employee.

#### **1046.8 OPTIONAL ATTIRE BASED ON RELIGIOUS ACCOMODATION**

Female members of Muslim faith may wear a hijab or headscarf while on-duty. If the hijab is worn while in uniform, the hijab must be black or brown in color. The hijab must not impair the operation of weapons, pose a health or safety hazard, or interfere with any other equipment (e.g. hat, helmet, gas mask, etc.).

Requests for other religious exceptions or accommodations to HCSO uniforms, rules, policies or procedures shall be made to the Captain of Professional Standards who shall consult with the Major of Administrative Services.

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**1046.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the [Uniform and Equipment Specifications](#) or by the Sheriff or designee.

Office employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.





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|                  |                         |
|------------------|-------------------------|
| Document Number: | <b>1048</b>             |
| Document Name:   | <b>Explorer Program</b> |
| Effective Date:  | <i>August 1, 2015</i>   |
| Document Status: | <i>Approved</i>         |

**1048.1 PURPOSE AND SCOPE**

Explorers work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

**1048.2 EDUCATION REQUIREMENTS**

Explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. High school age students shall continue to be enrolled in high school and maintain at least a 2.0 grade point average.

**1048.3 PROGRAM COORDINATOR**

The Volunteer Coordinator/Sergeant will serve as the Program Coordinator. The Program Coordinator will be responsible for tracking the educational and job performance of explorers as well as making their individual assignments throughout the Office. The Program Coordinator will also monitor the training provided for all explorers and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

**1048.3.1 PROGRAM ADVISORS**

The Program Coordinator may select individual deputies to serve as advisors for the Explorer Program. These deputies will serve as mentors for each explorer. Explorers will bring special requests, concerns and suggestions to their program advisor for advice or direction before contacting the program coordinator. One advisor may be designated as the coordinator's assistant to lead scheduled meetings and training sessions involving the explorers. Multiple explorers may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the program coordinator.

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#### **1048.4      ORIENTATION AND TRAINING**

Newly appointed explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Explorer Training Manual. Training sessions will be scheduled as needed to train explorers for as many assignments as possible. In addition to job specific training, information will be offered to prepare explorers to compete successfully in the deputy sheriff selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become a deputy sheriff. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

#### **1048.5      UNIFORMS**

Each explorer will be provided uniforms meeting the specifications determined by Administration.

#### **1048.6      RIDE-ALONG PROCEDURES**

All explorers are authorized to participate in the Ride-Along Program, provided ride-along standards are met, on their own time and as approved by their immediate supervisor and the appropriate Shift Supervisor. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating in a ride-along.

#### **1048.7      PERFORMANCE EVALUATIONS**

Performance evaluations for all explorers shall be completed monthly during their first year. After the first year explorers will be evaluated annually to assess their current job performance and their potential as deputy sheriffs.



Document Number: **1050**  
Document Name: **Nepotism and Conflicting Relationships**  
Effective Date: *August 1, 2015*  
Document Status: *Approved*

**1050.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this office. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

**1050.1.1 DEFINITIONS**

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Office employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that an Office employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation, or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

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## 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Office will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following restrictions apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  - 2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest members of this office shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender or who engages in intentional violations of state or federal laws.

### 1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or

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other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify their uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

#### **1050.2.2 SUPERVISOR'S RESPONSIBILITY**

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.



Document Number: **1052**  
Document Name: **Office Badges**  
Effective Date: *July 20, 2023*  
Document Status: *Approved*

**1052.1 PURPOSE & SCOPE**

The Office badge and uniform patch as well as the likeness of these items and the name of the Hennepin County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

**1052.2 POLICY**

The uniform badge shall be issued to Office members as a symbol of authority. The use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued by this office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

**1052.2.1 ADDITIONAL BADGES**

Licensed deputies, with the written approval of the Sheriff or designee, may purchase at their own expense one additional uniform badge and/or a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Office policy as the uniform badge.

- (a) Should any badge, whether issued or purchased, becomes lost, damaged or otherwise removed from the employee's control, they shall make the proper notifications as outlined in the Office-Owned and Personal Property Policy.
- (b) An honorably retired deputy may keep their additional uniform and flat badge upon retirement.
- (c) The purchase, carrying or display of any badge is not authorized for non-licensed personnel.

**1052.2.2 CIVILIAN PERSONNEL**

Badges and Office identification cards issued to non-licensed personnel shall be clearly marked to reflect the position of the assigned employee.

- (a) Non-licensed personnel shall not display any Office badge except as a part of their uniform and while on-duty or otherwise acting in an official and authorized capacity.

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- (b) Non-licensed personnel shall not display any Office badge or represent themselves, on- or off-duty, in such a manner which would cause a reasonable person to believe that they are a licensed deputy.

### **1052.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all licensed employees and civilian uniformed employees for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Office name for all material (e.g., printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff or designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1052.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the Office badge shall not be used without the express authorization of the Sheriff or designee.



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|------------------|----------------------------------|
| Document Number: | <b>1054</b>                      |
| Document Name:   | <b>Modified-Duty Assignments</b> |
| Effective Date:  | <i>February 9, 2016</i>          |
| Document Status: | <i>Approved</i>                  |

**1054.1 PURPOSE & SCOPE**

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

**1054.2 POLICY**

Subject to operations considerations, the Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

**1054.3 GENERAL CONSIDERATIONS**

Employees who are absent from work due to a work related injury (workers' compensation) shall receive priority in placement over any existing modified-duty assignment of an employee placed as a result of a non-work related injury. Seniority plays no role in assignments. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Minnesota Rights Act (Minn. Stat. § 363A.01 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.



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The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a total of six months in a rolling 18 month period.

## **1054.4 PROCEDURE**

Employees with an off-duty injury or illness, or a medical restriction may be eligible for a modified-duty assignment if:

- (a) At least 80 consecutive hours of scheduled workdays have been missed due to the same illness or injury. Employees who are pregnant are exempt from this; and
- (b) They are expected to recover and return to full duty; and
- (c) An assignment is available and the employee is qualified to perform the duties.

Employees assigned to modified-duty shall not:

- (a) Operate a county vehicle unless approved by the division/unit commander of where they are assigned to.
- (b) Feign an illness/injury to remain on modified-duty.

Employees may request assignment to modified-duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to the Major of Administrative Services Bureau or designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices and shall include the length of time requesting to be on a modified-duty schedule.

The employee shall also submit, from their attending physician, to the Professional Standards Division Commander or designee the following:

- (a) A "Return to Work" slip signed by the healthcare provider.
- (b) A list of any limitations including, but not limited to lifting, bending, and/or sitting. It shall be the employee's responsibility to abide by any restrictions set forth.
- (c) A projected date of full recovery.
- (d) A description of the illness/injury or medical restriction.

The Sheriff or designee will determine if a modified-duty assignments is available based on the needs of the Office, the limitations of the employee and the suitability of the employee to work a particular assignment.

### **1054.4.1 MODIFIED-DUTY SCHEDULES**

While on modified-duty, employees may or may not be assigned to their division or unit. Assignments made under this policy shall not be precedent setting, nor shall they be grievable.

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The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or Office needs at the discretion of the division/unit commander.

The employee and their supervisor(s) should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

## **1054.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

### **1054.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a written status update to the Personnel Unit no less than once every 30 days while assigned to temporary modified duty.

### **1054.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified-duty.
- (b) Ensuring that employees returning to full duty have completed any required training and certification.

## **1054.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Office may require a Return to Work examination prior to returning an employee to full-duty status in accordance with the Fitness for Duty Policy.

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## **1054.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

### **1054.7.1 NOTIFICATIONS**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

## **1054.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

## **1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.



Document Number: **1058**  
Document Name: **Employee Speech, Expression and Social Networking**  
Effective Date: *February 9, 2016*  
Document Status: *Approved*

## 1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

## 1058.2 POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Office will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1058.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Office employees such as posting personal information in a public forum can result

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in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this agency has had professional contact with such as crime victims or staff of other organizations.

Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an employee.
- Disclosing the address, telephone number or email address of an employee.
- Otherwise disclosing where another employee can be located off-duty.

#### **1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the organization's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected;

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Office or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Office and tends to compromise or damage the mission, function, reputation or professionalism of the Office or its employees.

Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the Oath of Office as adopted by the Office.

(f) Use or disclosure through whatever means of any not public data, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, or data classified as not public by state or federal law or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked

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vehicles, equipment or other material that specifically identifies the Office on any personal or social networking or other website or web page without the express authorization of the Sheriff.

- (h) Accessing websites for non-authorized purposes or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:
1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
  2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### **1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Office or identify themselves in any way that could be reasonably perceived as representing the Office in order to do any of the following, unless specifically authorized by the Sheriff or designee:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group) is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

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## **1058.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace, Twitter) that is accessed, transmitted, received or reviewed on any office technology system.

The Office reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the Office e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any Office system or device.

This includes records of all key strokes or web-browsing history made at any Office computer or over any Office network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if accessed through office computers or networks.

## **1058.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether the speech or conduct may be protected and outweighs any interest of the Office.

## **1058.7 TRAINING**

Subject to available resources the Office should provide training regarding employee speech and the use of social networking to all members of the Office.



Document Number: **1060**  
Document Name: **POST Licensing**  
Effective Date: August 1, 2015  
Document Status: *Approved*

**1060.1 PURPOSE AND SCOPE**

Maintaining a valid MN POST Board license is a critical element of a licensed peace officer's ability to continue their employment and is their sole professional responsibility. All deputies are required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900).

**1060.2 RENEWAL SCHEDULE**

Any deputy sheriff whose license expires is not authorized to work as a peace officer until the license status is valid. Deputies renew their MN POST Board licenses according to the following schedule by the MN POST Board.

**1060.2.1 License Renewal Credits**

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the MN POST Board proof that the licensee has successfully completed board approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continue credits are (Minn. R. §6700.1000 Subd. 3):

- 6 hours for a peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer who has been licensed for at least 30 months.

**1060.3 LICENSE PROCESS**

A general schedule for the license renewal process is:

- February – The Office or deputy will receive employment verification.
- March – The Office or deputies are sent a license renewal application.
- June – A final notice will be sent from POST for those who have not renewed.
- June 30 – the deadline date for license renewal after which deputies who license expires will no longer be authorized to practice law enforcement or carry a firearm.



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#### 1060.4      INACTIVE LICENSE

Deputies who fail to complete the requirements will have their license placed in the “Inactive” status. The employee may then be placed in a temporary administrative assignment until their license is “Valid.” Those employees may also face administrative discipline up to and including termination.