CHIEF'S PREFACE

Building trust and legitimacy with every individual in the community that we serve has never been more important in policing than it is today. The St. Louis Park Police Department is guided by this philosophy in each of our actions, and every one of our interactions. This approach is what defines community policing and represents our department's longstanding commitment to delivering on that promise. Trust and legitimacy will not endure in the absence of procedural justice, fundamental fairness, equity, inclusivity, and the sanctity of all lives. Our department demonstrates this commitment to professional service and these values by lending dignity, respect, neutrality, and transparency to everyone we serve. A critical display of our commitment to building trust and legitimacy is by providing you with our department policies that inform and guide our actions. As we hold ourselves accountable to these standards, we also empower you to do the same – a process by which I hope builds your confidence in the St. Louis Park Police Department.

We are grateful for the ongoing support and partnerships of our elected officials, city administrators, and the community. We are also deeply appreciative of the ongoing guidance and support we receive from the Police Advisory Commission and Police Multi-cultural Advisory Committee for their input into these very policies – a perspective that is paramount to trust-building. I know that through our continued commitment to community-oriented policing, your faith in our police-community relationship will endure.
- Bryan Kruelle, Chief of Police

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION AND CORE VALUES

The mission of the St. Louis Park Police Department is to provide citizens with quality service, professional conduct and a safe environment in which to live, work and learn. We are committed to an active partnership with our community as we work together to solve problems and prevent crime.

Core Values:

- We believe that service to the public is our reason for being, and we strive to deliver quality services in a highly professional and cost-effective manner.
- We believe that preventing crime and disorder is the best and most economical law enforcement solution.
- We recognize our interdependent relationship with the community we serve, and we are continually sensitive to changing community needs.
- We believe that ethics and integrity are the foundation of public trust and confidence, and that all meaningful relationships are built on these values.
- We believe that our employees are the department's greatest resource. As professionals, we continually strive to improve the quality of our skills.
- Our department's mission, values and goals are, at all times, in harmony with the mission, values and goals of the City of St. Louis Park.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the St. Louis Park Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the St. Louis Park Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Licensed officers of this department are peace officers pursuant to Minn. Stat. § 626.84 Subd. 1.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE ST. LOUIS PARK POLICE DEPARTMENT

Arrest authority of a full-time officer or part-time officer extends to any place within the jurisdiction of the departmentwhen (Minn. Stat. § 629.34, Subd. 1 and Minn. Stat. § 629.40):

(a) Made pursuant to a warrant.

(b) The person is being arrested for a felony.

(c) The person is being arrested for a non-felony crime that was attempted or committed in the officer's presence.

(d) The person is being arrested for a non-felony crime that was not attempted or committed in the officer's presence but an arrest is permitted by statute (e.g., domestic abuse, restraining order, and no contact order violations).

(e) The person is a juvenile committed to the custody of the commissioner of corrections and committed a felony after he/she escaped from custody (Minn. Stat. § 609.485).

(f) There is reasonable cause to believe that the person to be arrested has committed or attempted to commit theft from a merchant (Minn. Stat. § 629.366).

The arrest authority of a part-time peace officer is applicable only while on-duty (Minn. Stat. § 629.34, Subd. 1(b)).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ST. LOUIS PARK POLICE DEPARTMENT

Full- and part-time, on-duty officers may make an arrest outside the jurisdiction of the St. Louis Park Police Department (Minn. Stat. § 629.40):

(a) Anytime the officer may by law make an arrest for a criminal offense committed within the jurisdiction of the St. Louis Park Police Department, and the person to be arrested escapes from custody or flees out of the officer's jurisdiction.

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(b) Whenever the officer is authorized by a court order.

(c) Under the same conditions as if the officer was in the jurisdiction of the department, whenever the officer is acting in the course and scope of employment.

A full-time officer's warrantless arrest authority when off-duty and outside the jurisdiction of the department is limited to circumstances that would permit the officer to use deadly force under Minn. Stat. § 609.066 (see the Use of Force Policy) (Minn. Stat. § 629.40, Subd. 4). Under any other circumstances, the full-time off-duty officer is limited to the same power as are members of the general public.

An officer making an arrest should, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made.

100.3.3 GRANTING AUTHORITY TO OTHERS

An officer may summon the aid of private persons when making an arrest pursuant to a warrant (Minn. Stat. § 629.30).

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states:

(a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.

(b) When an officer enters Iowa or Wisconsin in fresh pursuit of a felony subject (Iowa Code § 806.1; Wis. Stat. § 976.04).

(c) When an officer enters North Dakota or South Dakota in pursuit of a subject who committed any offense (N.D.C.C. § 29-06-05; SDCL 23A-3-9; SDCL 23A-3-10).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Iowa Code § 806.2; N.D.C.C. § 29-06-06; SDCL 23A-3-12; Wis. Stat. § 976.04).

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Chief Executive Officer

101.1 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).

101.1.1 CHIEF LAW ENFORCEMENT OFFICER REQUIREMENTS

Any chief law enforcement officer of this department, as defined in Minn. R. 6700.0100, shall as a condition of employment hold a license as a peace officer with the POST Board (Minn. R. 6700.0800; Minn. R. 6700.0501). The peace officer license shall be renewed every three years as required by Minn. R. 6700.1000.

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Oath of Office

102.1 PURPOSE AND SCOPE

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

102.2 POLICY

It is the policy of the St. Louis Park Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties (Minn. Stat. § 358.05).

102.3 OATH OF OFFICE

Upon employment, all employees 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 faithfully discharge the duties of Police Officerwithin and for the City of St. Louis Park, in the County of Hennepin and the State of Minnesota, to the best of my judgment and ability.

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the St. Louis Park Police Department 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 department. All members 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.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of 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 of this department under the circumstances reasonably available at the time of any incident.

103.2.1 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 St. Louis Park Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The St. Louis Park Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, 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.

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Child- Any person under the age of 18 years.

City - The City of St. Louis Park.

Civilian - Employees and volunteers who are not licensed peace officers.

Department/SLPPD - The St. Louis Park Police Department.

DPS- The Minnesota Department of Public Safety.

DVS- The Minnesota Department of Driver and Vehicle Services.

Employee/personnel - Any person employed by the Department.

Manual - The St. Louis Park Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the St. Louis Park Police Department including:

- Full- and part-time employees
- Licensed peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers.

Officer - Those employees, regardless of rank, who are licensed peace officer employees of the St. Louis Park Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

Peace officer- An employee of the Department who is required to be certified by POST pursuant to Minn. Stat. § 626.84, Subd. 1 or otherwise holds a peace officer license. The term includes licensed full-time and part-time officers who perform the duties of a peace officer.

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

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC- United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that they have reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under their command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

103.8 POLICY MANUAL FORMAT

The Policy Manual is formatted to the constraints set forth by Lexipol. Each policy shall contain, at a minimum, a sequential number, title, and applicable department content.

Policies and procedures should be organized into predetermined chapters and titled by subject topic. Chapters:

1. Law Enforcement Role and Authority
2. Organization and Administration

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3. General Operations
4. Patrol Operations
5. Traffic Operations
6. Investigation Operations
7. Equipment
8. Support Services
9. Custody
10. Personnel

103.9 PROCEDURE TO IMPLEMENT POLICY

The Chief of Police, or authorized designee, shall establish a procedure to implement department policies, Departmental Directives or other operational temporary orders.

The Chief of Police or authorized designee may disseminate the policies, written directives, or operational orders to command staff, training officers, or others who have expertise in the area for input before implementation. The Chief of Police has final approval.

103.10 ARCHIVE AND STORAGE

All Departmental Directives shall be archived and stored in accordance with the State of Minnesota and local ordinance retention requirements.

The Policy Manual is stored in Lexipol's policy management platform and automatically archives all department policies as new or updated policies are issued.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Chief of Police is responsible for providing leadership and direction on all police service functions for the community, along with ensuring law enforcement and preventative measures are responsive to citizen and community needs. The Chief of Police is also responsible for long range planning and policy development for the Police Department. The Deputy Chief is responsible for administering and managing theday-to-day operations of the St. Louis Park Police Department. There are three divisions in the Police Department as follows:

- Administration Division
- Patrol Division
- Investigation Division

The Lieutenants report to the Deputy Chief.

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Lieutenant, whose primary responsibility is to provide general management, direction and control for the Administration Division. The Administration Division consists of Training, Technology Support, Dispatch, and Records.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Lieutenant, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol and Special Operations, which includes Traffic and Community Service Officers (CSOs).

200.2.3 INVESTIGATION DIVISION

The Investigation Division is commanded by a Lieutenant whose primary responsibility is to provide general management, direction and control for the Investigation Division. The Investigation Division consists of theInvestigators, School Resource Officers (SROs), Public Safety Information Unit, Property Bureau and Community Outreach.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During absences the Deputy Chief of Policeshall act with the authority of the Chief of Police. For circumstances in which the Chief of Police or Deputy Chief of Police are absent, the Chief of Police or Deputy

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Chief of Police will designate a Division Commander to serve as the acting commander of the Police Department.

Except when designated as above, the order of command authority is as follows:

(a) Patrol Division Commander or

(b) Investigation Division Commander or

(c) Administration Division Commander or

(d) Duty Sergeant (If no Division Commander is available)

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. 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., CNT, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

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

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member 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 member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department 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 member is obliged to comply. Members 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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Departmental Directive and Special Orders

201.1 PURPOSE AND SCOPE

Departmental Directives and Special Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding or other collective bargaining agreement. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01.” For example, 10-01 signifies the first Departmental Directive for the year 2010.

201.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit or to an individual thereof and are temporary in nature. Special Orders become inoperative with the passing of the incident or situation that caused the order's issuance.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by Departmental Directive.

201.2.2 CHIEF OF POLICE

The Chief of Police or designee shall issue all Departmental Directives and Special Orders.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES AND SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Departmental Directives or special orders. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive or special order.

Signed acknowledgement forms and/or e-mail receipts showing an employee’s acknowledgement will be maintained by the Training Sergeant.

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Emergency Operations Plan

202.1 PURPOSE AND SCOPE

The City has prepared, in compliance with the Minnesota Emergency Management Act of 1996 (Minn. Stat. § 12.09), an Emergency Operations Plan Manual. This manual 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 manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Police Department, the Chief of Police, the highest ranking official on-duty or an on-scene responder may activate the Emergency Operations Plan in response to a major emergency.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the St. Louis Park Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

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

202.3 LOCATION OF MANUALS

The manual for employees is available online ("CITYWIDE" directory, "Emergency Operations Planning" folder, and "Emergency Plans") and in the Sergeants' office.

202.4 PLAN REVIEW

The Administration Division Commander shall annually review the Emergency Operation Plan and recommend updates when applicable. The annual review, update, and approval of the plan and supporting documents must be in accordance with the guidance provided by the Department of Public Safety, Division of Emergency Management and should incorporate a full or partial exercise, tabletop or command staff discussion (Minn. Stat. § 299J.10).

202.5 PLAN TRAINING

The Department shall provide training in the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles police personnel will play when the plan is implemented.

202.6 AFTER-ACTION REPORTS

If after-action reports (AARs) are used to analyze incidents, operations, or training events, the Chief of Police or the authorized designee shall establish procedures governing their use. These procedures shall address the following:

(a) Criteria for identifying incidents, operations, or training exercises for which an AAR is required or appropriate.

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(b) Criteria for determining the type, scope, formality, and timing of each AAR based on the nature of the activity, community impact, objectives, and available resources.

(c) Identification and assignment of members with the ability to impartially conduct an AAR and clearly organize the findings into a useful learning product.

(d) Procedures for identifying, collecting, and reviewing relevant information sources (e.g., agency records, open-source media, similar incidents, community feedback, recognized standards).

(e) Necessary training for members involved in the implementation of the AAR system.

(f) Identification of key internal and external stakeholders to include in the AAR process.

(g) Development of appropriate analysis parameters, including the intended and actual outcome, the factors that led to the actual outcome, and findings and recommendations, implementation steps, and follow-up on recommendations.

(h) Criteria for determining whether an AAR will be retained for internal use, shared with partner or stakeholder agencies, or released publicly, and the authorized means of dissemination.

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Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 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 department members.

(c) Provide for continued professional development of department members.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

203.3 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.3.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

(a) Federally mandated training:

1. National Incident Management System (NIMS) training

(b) State-mandated training:

1. State training requirements include but are not limited to 48 hours of POST-approved law enforcement related courses every three years.

203.3.2 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training (with supervisor approval) should be limited to the following:

1. Court appearances

2. First choice vacation

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3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than two hours prior to the start of training.
2. Document his/her absence in writing to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

203.3.3 TRAINING RESTRICTION
The Training Sergeant shall ensure that a training program does not include any training on the detection of or use of the term "excited delirium" (Minn. Stat. § 626.8437).

203.4 TRAINING REVIEW
The Training Sergeant shall work with command staff members and other supervisors to assist with identifying training needs for the Department.

The Training Sergeant and Administrative Division Commander should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

203.5 CLASSROOM DISCRIMINATION
The Training Sergeant shall ensure that procedures for the investigation and resolution of allegations of classroom discrimination are developed and implemented, and include the required elements (Minn. R. 6700.0900; Minn. R. 6700.0902).

203.6 POLICY
The Department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

203.7 TRAINING SERGEANT
The Chief of Police shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Sergeant should review the training plan annually.

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203.7.1 TRAINING SERGEANT RESPONSIBILITIES

The Training Sergeant shall ensure that all sworn members annually review the department policies identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

203.7.2 CAREER DEVELOPMENT

The Training Sergeant shall also be responsible for administering a career development strategy for officers that should:

(a) Encourage mentorship.

(b) Promote officer retention.

(c) Promote leadership development opportunities.

203.8 TRAINING ATTENDANCE

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member's participation.
5. Emergency situations or department necessity.

(b) Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

1. Document the member's absence in a memorandum to the member's supervisor.
2. Make arrangements through the member's supervisor or the Training Sergeant to attend the required training on an alternate date.

203.9 TRAINING RECORDS

The Training Sergeant is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

203.10 REPORTING TRAINING TO POST

The 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. Officers are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., Minnesota Data Practices Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration or practices of the Department.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the Department computer network or accessed through a web browser accessing the Department system are considered Department records and, therefore, are the property of the Department. The Department has the right to access, audit and disclose for whatever reason, all messages, including attachments, transmitted or received through its email system or placed into its storage.

Unless it is encrypted, the email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential or personal communication. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Department email system shall have no expectation of privacy concerning communications utilizing the system.

204.3 PROHIBITED USE OF EMAIL

The Department email system shall not be used for personal purposes unless that use is authorized in writing by the Chief of Police.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited, will constitute just cause for discipline, and will result in discipline, up to and including termination of employment

Email messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users. Personal advertisements or announcements, unless approved by the Chief of Police or designee, are not permitted.

It is a violation of this policy to transmit a message under another user’s name or email address or to use the password of another to log onto the system. Users are required to log off the network or lock the workstation when their computer is unattended. This added security measure would minimize the misuse of an individual’s email, name and/or password.

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204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Minnesota Data Practices Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 MEMORANDUMS

Memorandums may be issued periodically by the Chief of Police or designee, to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status. Such orders are personnel data under Minn. Stat. § 13.43 and shall be treated accordingly.

205.3 CORRESPONDENCE

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

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

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police, his/her designee or a Division Commander.

205.5 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Chief of Police, his/her designee or Division Commanders.

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Supervision/Officer Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against its need and inherent managerial right to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on-duty whenever possible. Either the Deputy Chief or one of the Division Commanders will serve as Watch Commander at all times, usually fulfilling this responsibility for a period of seven days, one out of every four weeks of the year.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Patrol Division Commanderor watch commander, an officer may act as the Duty Sergeant for a limited period of time, consistent with the terms of applicable collective bargaining agreements.

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Permit to Carry a Pistol

207.1 SUSPENDING APPLICATION OR PERMIT

Permits to carry a pistol are issued by the County Sheriff. An application or permit to carry a pistol may be suspended by a district court as a condition of release following arrest for a crime against a person, and the issuing Sheriff will be notified (Minn. Stat. § 624.714 Subd. 12a).

207.2 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 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. The permit issued from another state is not valid if the holder is or becomes prohibited by law from possessing a firearm. The Chief of Police may file a petition with the appropriate court to suspend or revoke a license from another state when there is a substantial likelihood that the license holder is a danger to him/herself or the public (Minn. Stat. § 624.714, Subd. 16)

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Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of St. Louis Park Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

208.2 POLICY

It is the policy of the St. Louis Park Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

208.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing as an officer.

(b) Before such separation, had regular employment as an officerfor an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated from service after completing any applicable probationary period due to a disability as determined by this department, or with the approval of the Chief of Police.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is 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.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the St. Louis Park Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(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 he/she has, 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.

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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 his/her property if such prohibition is permitted by Minnesota law.

208.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Duty Sergeant of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions and Court Orders Policy. The Duty Sergeant will notify the Chief of Police.

208.4.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her 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 Department.

(b) Remain subject to all applicable federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Possess a valid permit to purchase a handgun or semi-automatic military-style assault weapon.

208.5 DENIAL, SUSPENSION OR REVOCATION

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

208.6 FIREARM QUALIFICATIONS

The Range Officer or Equipment Sergeant may provide former officers from this department 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 Range Officer or Equipment Sergeant will maintain a record of the qualifications and weapons used.

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Handgun Purchase and Transfer Permit

209.1 PURPOSE AND SCOPE

The Chief of Police 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.

209.2 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/Receipt to the Department (Minn. Stat. § 624.7131, Subd. 1). These forms shall be freely available to members of the community at locations determined by the Chief of Police. Applications are also available on the internet (Minn. Stat. § 624.7131, Subd. 3).

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

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

209.3 INVESTIGATION

The Department 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 Minnesota crime information systems, the national 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 for any commitment history through the Direct Care and Treatment Executive Board of the applicant.

209.4 GROUNDS FOR DISQUALIFICATION

The Chief of Police shall deny a permit to an applicant when the applicant is prohibited by state or federal law from possessing a pistol or semiautomatic military-style assault weapon, determined to be a danger to themself or the public when in possession of a firearm, or listed in the criminal gang investigative data system (Minn. Stat. § 624.7131, Subd. 4).

209.5 GRANTING OR DENIAL OF PERMIT

The Chief of Police shall issue a transferee permit or deny the application within 30 days of application for the permit. The permits and their renewal shall be granted free of charge (Minn. Stat. § 624.7131, Subd. 5).

The Chief of Police shall provide an applicant with written notification of a denial and the specific reason for the denial (Minn. Stat. § 624.7131, Subd. 5).

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When the refusal to grant a permit is due to a substantial likelihood that the applicant is a danger to themself or the public when in possession of a firearm, the written notification shall provide the specific factual basis justifying the denial, including the source, and inform the applicant that they may submit additional documentation within 20 business days (Minn. Stat. § 624.7131, Subd. 4).

Upon receipt of additional documentation, the Chief of Police shall reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. A notice of denial after reconsideration must be in the same form and substance as the original denial, specifically address any continued deficiencies, and inform the applicant of the right to judicial review of the denial (Minn. Stat. § 624.7131, Subd. 4).

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).

209.6 VOIDING OR REVOKING PERMIT

The permit becomes void at the time that the holder becomes prohibited from possessing or receiving a pistol under Minn. Stat. § 624.713, in which event the holder is required to return the permit within five days to the Department.

The Chief of Police shall revoke a permit once they become aware the permit holder is ineligible to possess firearms and shall provide the holder with written notice (Minn. Stat. § 624.7131, Subd. 7).

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

It is the policy of the St. Louis Park Police Department to provide officers with guidelines for the use of force and deadly force in accordance with:

- MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;
- MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;
- MN STAT 609.06 AUTHORIZED USE OF FORCE;MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and
- MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Weapon (CEW) policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

(a) **Force:** Intentional actions by an officer that the officer knows, or reasonably should know, is likely to cause a non-consensual, harmful, or offensive bodily contact with another, or places another in imminent fear of a non-consensual, harmful, or offensive bodily contact.

(b) **Bodily Harm:** Physical pain or injury.

(c) **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.

(d) **Deadly Force:** Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

(e) **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 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.

(f) **Other Than Deadly Force:** Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm

(g) **Feasible -** Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

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(h) **Imminent -** Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

(i) **Totality of the circumstances -** All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force

(j) **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. (MS 609-06-3-b)

(k) **Authorized Device:** A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

1. Obtained training in the technical, mechanical, and physical aspects of the device, and
2. Developed a knowledge and understanding of the law, rules, and regulations regarding the use of such device.

(l) **Chemical Aerosol:** A chemical containing Orthochlorbenzalmalmalononitrile (CS) and / or Oleoresin Capsicum (OC) in a handheld container disseminated with a liquid or gas propellant.

(m) **Chemical Munitions:** A chemical containing Orthochlorbenzalmalmalononitrile (CS), Oleoresin Capsicum (OC), and Hexachloroethane (HC - Smoke) disseminated in a projectile with a liquid carrier or a pyrotechnic (burning) grenade.

(n) **Contact Weapons:** All objects and instruments that are used, or are designed to be used, to apply force to another by coming into physical contact with that person. Contact weapons include, but are not limited to, police batons and flashlights.

(o) **Conducted Electrical Weapon (CEW) (i.e., Taser):** The conducted electrical weapon is designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause muscle contractions and override an individual's voluntary motor responses.

(p) **Positional Asphyxiation:** Positional (postural) asphyxia is a form of mechanical asphyxia that occurs when a person is immobilized in a position which impairs adequate pulmonary ventilation and thus, results in a respiratory failure. In some cases, the body position has a direct hindering effect on normal circulation and venous return to the heart, which may be additional contributing factors to the obstruction of normal gas exchange (definition from US NIH).

(q) **Critical Incident:**Critical incidents include officer-involved shootings and other situations involving most or all of the following circumstances:

1. An officer has used force or taken other actions,
2. The officer's actions resulted in death or serious injury to another,
3. A review of the officer's conduct for compliance with criminal laws is likely to occur regardless of whether there is a citizen complaint,
4. It is foreseeable that the event will result in at least some degree of media interest or public scrutiny toward the agency and officer, or

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5. The circumstances will warrant due consideration for the emotional health and well-being of the officers involved.

300.2 POLICY

Every person has the right to be free from excessive use of force by officers acting under the color of law. In accordance with our mission and values as an agency, we are committed to building and maintaining partnerships with the community we serve, to transparency, to fundamental fairness, to treating everyone with respect and dignity and to listening to the voices of the community.

Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Officers shall treat everyone with dignity and without prejudice. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose, and to protect the safety of others and the officer.

Officers should exercise special care when interacting with individuals with known or perceived 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 peace officers.

It is the intent of this policy that officers use deadly force only when necessary in defense of human life or to prevent great bodily harm. The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer* in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties. Violations of this policy may result in progressive discipline up to and including suspension, termination of employment, civil or criminal penalties as required by law.

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

**In Graham v. Connor, the courts defined this reasonable officer standard - The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.*

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300.2.1 DUTY TO INTERCEDE AND REPORT
Any officer present and observing another law enforcement officer or a member using force that is in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances, when physically or verbally able to do so, shall intercede to prevent the use of unreasonable force (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

Any officer who observes another law enforcement officer or a member use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer. St. Louis Park Personnel Manual Section 13.2 states that there will be no retaliation as a result of bringing a claim forth or cooperating in an investigation. (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

300.2.2 ADDITIONAL REQUIREMENTS
An officer reporting a use of force by another law enforcement officer or member pursuant to this policy shall also make the report in writing to the Chief of Police within 24 hours (Minn. Stat. § 626.8475).

300.2.3 PERSPECTIVE
When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE
Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers 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 officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers 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.

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

300.3.1 USE OF FORCE OPERATIONAL STANDARDS

(a) Officers shall use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. This provision shall not be construed, however, to require officers to first attempt using types and degrees of force which reasonably appear to be inadequate to accomplish the intended objective.

(b) Protracted physical combat may pose safety risks to the public, the safety of police officers, and the safety of the person being arrested or captured. Accordingly, it shall be deemed reasonable for officers to use that type and degree of other than deadly force necessary to bring a subject who the officer intends to arrest or capture quickly under control.

(c) Use of physical force shall be discontinued when resistance ceases or when the incident is under control.

(d) 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.

(e) It is not a use of force when a person allows themselves to be searched, escorted, handcuffed, or restrained.

300.3.2 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

300.3.3 USE OF FORCE TO EFFECT AN ARREST

An officer may use other than deadly force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

(a) In effecting a lawful arrest.

(b) In the execution of a legal process.

(c) In enforcing an order of the court.

(d) In executing any other duty imposed by law.

(e) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.

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(f) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.

(g) In self-defense or defense of another.

An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

300.3.4 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer 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 officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual's ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

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300.3.5 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Officers may not use any of the following restraints unless the use of deadly force is authorized (Minn. Stat. § 609.06; Minn. Stat. § 609.066):

(a) A chokehold.

(b) Tying all of an individual's limbs together behind the person's back to render the person immobile.

(c) Securing an individual in any way that results in transporting the person face down in a vehicle.

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

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the St. Louis Park Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary (Minn. Stat. § 609.066):

(a) To protect the officer or another from death or great bodily harm.

(b) To effect the arrest or capture, or prevent the escape, of an individual whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person unless immediately apprehended.

In both scenarios, the use of deadly force is only authorized provided that the threat (Minn. Stat. § 609.066):

- Can be articulated with specificity.
- Is reasonably likely to occur absent action by the officer.
- Must be addressed through the use of deadly force without unreasonable delay.

However, an officer shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity (Minn. Stat. § 609.066).

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300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

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

Officers 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 department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. The required report for documenting uses of force is the Resistance Response Report. Department members should note that the Critical Incidents – Officer Involved Shootings and Deaths policy establishes limitations on this requirement.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

Required reports shall be completed by officers before the end of their shift unless a reasonable delay is approved by a supervisor. Supervisors shall review all incidents involving the use of force with all officers involved and submit the supervisor's evaluation as to whether the officer's actions complied with the provisions of this section. This is done in the review section of the Resistance Response Report.

300.5.1 NOTIFICATIONS 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 officer 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 the conducted energy device 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.

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(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 STATE REPORTING REQUIREMENTS
The Chief of Police shall provide for the filing of a report with the Bureau of Criminal Apprehension (BCA) on a monthly basis and in the form required by BCA (Minn. Stat. § 626.5534).

300.6 MEDICAL CONSIDERATIONS

If a use of force is known or reasonably believed to have caused bodily harm to a person, the extent of any injuries shall be promptly assessed once it is reasonably safe to do so. Medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or 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 officer 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 the on-scene supervisor is not available, the primary handling officer 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 officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

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(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) 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, if possible, as well as overall photographs of uninjured areas.

(d) Review and approve all related reports.

(e) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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.

300.7.1 DUTY SERGEANT RESPONSIBILITY

The Duty Sergeant shall complete a documented review of each use of force by any personnel within their command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities, and de-escalation tactics, including alternatives to force. Training should include de-escalation simulation and scenario-based trainings.

300.8.1 STATE-SPECIFIC TRAINING REQUIREMENTS

Warrior-style training, as defined in Minn. Stat. § 626.8434, whether provided directly by the Department or through a third party, is prohibited (Minn. Stat. § 626.8434).

Note: Minnesota Statutes define Warrior-style training as training that dehumanizes people, encourages aggressive conduct by officers, de-emphasizes the value of human life or constitutional rights and thereby increases an officer's likeliness to use deadly force.

300.8.2 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

(b) De-escalation tactics, including alternatives to force.

(c) The duty to intercede.

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(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.8.3 POLICY ON FIREARMS AND DEFENSE-CONTROL DEVICE TRAINING

(a) Before being authorized to carry a firearm, all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.

(b) Before carrying an authorized device all officers 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.

(c) Restrictions on use following training:

1. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.

2. No officer shall modify, alter, or cause to be altered an approved weapon in their possession or control. This provision shall not be construed to prohibit officers from modifying grips on approved firearms in the officer's possession or control.

300.9 POLICY REVIEW

The Chief of Police or the authorized designee should annually review and update this policy to reflect developing practices and procedures.

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Use of Force Review Process

301.1 PURPOSE AND SCOPE

This policy establishes a process for the St. Louis Park Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The St. Louis Park Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENTS

Generally, whenever an employee’s actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW PROCESS

The Use of Force Review process will be undertaken whenever a member documents use of force in a Resistance Response Report, or when any reportable use of force occurs and a form is not submitted. Initial review will be by the member's immediate supervisor or duty sergeant.

301.4.1 COMPOSITION OF THE REVIEW GROUP

The Chief of Police should designate two members of the Command Staff to conduct reviews. Generally, this will be the Deputy Chief and Patrol Lieutenant.

301.4.2 RESPONSIBILITIES OF THE REVIEW GROUP

The Use of Force Review group is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The Chief of Police will determine whether the group should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The group should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

The group shall make one of the following recommended findings:

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(a) The employee's actions were within department policy and procedure.

(b) The employee's actions were in violation of department policy and procedure.

The group may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The reviewers will document their findings in the Resistance Response Report and will submit any written recommendations to to the Chief of Police in the event that actions were found to be in violation of department policy and procedure.

The Chief of Police shall review the recommendation, make a final determination, and will determine whether any additional actions, investigations or reviews are appropriate. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The St. Louis Park Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed St. Louis Park Police Department-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, officers 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.

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

302.3.2 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. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, officers, or others.

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See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.4 HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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, officers 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.

302.5 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 officer 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.

Officers 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. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers 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 be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed

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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 continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, 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 department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 LEG RESTRAINT DEVICES

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 department shall be used.

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

(a) Whether the officer 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 his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers 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 officer 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, 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 continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on their stomach.

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(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention in a police report and the use of handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

The Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

(e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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Control Devices

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the St. Louis Park Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only department members who have successfully completed department-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, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 RANGE OFFICER OR EQUIPMENT SERGEANT, OR OTHER SUPERVISOR RESPONSIBILITIES

The officer's assigned supervisor, range officer, administrative Sergeant, other responsible officer, or equipment sergeant shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Range Officer or Equipment Sergeant or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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

303.5 CONTACT WEAPON / 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 officer reasonably believes the use of deadly force is appropriate. See the Use of Force Policy for additional guidance.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or load-bearing external vest carrier. 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.

303.5.1 CONTACT WEAPON USE

A. The purpose of using a contact weapon is to defend against, or control, a subject. Contact weapons shall be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted. When contact weapons are being used to control or defend against a subject, officers should continually reassess whether de-escalation to a lower level of force is feasible. Once it reasonably appears that lower levels of force would be sufficient to meet any continuing needs for defense or control, officers should deescalate to that lower level of force.

B. Contact weapons may be used only in the following manner:

   1. **Defense:** To ward off blows or kicks from another person.

   2. **Defense or Control**: To strike another for the purpose of rendering that person temporarily incapacitated.

   3. **Control:** To restrain persons

   4. **Control:** In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade.

C. Officers striking another person with a contact weapon should attempt to avoid striking, if possible, bodily areas likely to result in serious injuries or death unless deadly force is authorized under this section.

D. Officers striking another person with a contact weapon should attempt to strike, if possible, bodily areas likely to result only in incapacitation.

E. Complete Resistance Response Report for any use of force involving a contact weapon.

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303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Duty Sergeant, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, 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 tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.6.1 CHEMICAL MUNITIONS STANDARDS AND USE

1. It is the policy of the department to use chemical munitions only in those instances where its use will provide an effective enforcement tool without creating an unreasonable risk of injury to subjects or innocent third parties.
2. It is important to use enough chemical aerosol to accomplish the task encountered, but it is equally important to avoid excessive or indiscriminate use.
3. Any innocent person(s) nearby should be warned of the potential use of chemical munitions and steps should be taken to minimize possible discomfort or danger to them or property.
4. When chemical munitions are issued, it is imperative that ALL unused munitions be returned to the armory or other appropriate / designated location as soon as possible.
5. Chemical munitions will not be used until authority has been granted by a supervisor.
6. When chemical munitions are to be used, gas masks will be issued to all on scene personnel.
7. Only non-burning (liquid and powder) chemical munitions will be used inside an enclosed structure unless otherwise approved by the Chief of Police or designee.
8. Whenever chemical munitions are used a full report of the circumstances surrounding its use will be made by the duty supervisor.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and 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.

CAUTIONS:

1. Only under conditions that represent an immediate threat of serious injury or death should the spray be applied into the face at a distance of less than two feet.
2. Under no circumstances is the chemical agent to be applied as a punitive measure.
3. Chemical aerosol should not be discharged in the immediate vicinity of infants.

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303.7.1 HANDHELD CHEMICAL AEROSOL USE

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or on the load-bearing external vest carrier. 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.

A. The purpose of using chemical aerosol is to render a person temporarily incapacitated so as to neutralize a threat by, or effect control of, the subject. The use of chemical aerosol shall be governed by the provisions governing other than deadly force. Only chemical aerosol that are approved devices, as previously defined, shall be used. The purpose of using a chemical aerosol is to defend against, or control, a subject. Chemical aerosols shall be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted. When chemical aerosols are being used to control or defend against a subject, officers should continually reassess whether de-escalation to a lower level of force is feasible. Once it reasonably appears that lower levels of force would be sufficient to meet any continuing needs for defense or control, officers should deescalate to that lower level of force.

B. Officers shall exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents. Use of chemical aerosol must be documented in the police report and Resistance Response Report.

C. Always discharge the container by holding it in the upright position. This will ensure that the irritant and not the propelling gas are projected. The maximum effective range of chemical aerosol is fifteen feet.

    1. Officers should use a short one to two second burst when spraying chemical aerosol at a person. After using chemical aerosol, officers shall ensure that the following steps are observed:

        (a) Keep the contaminated area exposed to fresh air, thus allowing the irritants to escape. Do not bandage.

        (b) If the subject is wearing contact lenses at the time of exposure, they must be removed to achieve proper first aid.

        (c) First aid measures should be given as soon as possible after the exposure, and in no case should a period of more than thirty minutes lapse between the exposure and first aid.

        (d) Immediate medical attention will be provided to any person upon whom the chemical is applied.

    2. If the container is damaged, malfunctions, or if the supply is depleted, a new canister will be issued. If an officer loses their chemical aerosol, an offense report including the details of the loss is required.

303.7.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided immediate medical attention.

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303.8 POST-APPLICATION NOTICE AND REPORTING

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, officers 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 cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

Important: In all cases where a chemical aerosol is used, include in police report the following:

1. The time the chemical aerosol was applied.
2. Justification for doing so (e.g., resisting arrest, etc.).
3. The type and time of first aid given.
4. Complete a Resistance Response Report for any use of force involving handheld chemical aerosol.

303.8.1 ADDITIONAL STATE REQUIREMENTS FOR POST-APPLICATION NOTICE

When the Department deploys a chemical irritant within a building (as defined in Minn. Stat. § 609.581), an officer shall provide notice to the building owner and, if applicable, any occupant required to be notified under Minn. Stat. § 626.745. Notice may be provided by delivering the DPS notification form, by leaving the form in a conspicuous location where it is likely to be seen, or by providing the required information orally or in another authorized format.

Upon request, the Department shall disclose information regarding chemical irritants, smoke screens, or diversionary devices deployed within a building as provided in Minn. Stat. § 626.745.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, 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. The St. Louis Park Police Department has enacted this policy to establish procedures regarding the use, reporting and first aid treatment when deploying KEP.

303.9.1 USE OF KINETIC ENERGY PROJECTILES (KEP) WITH KEP LAUNCHER

It is the policy of the department to use only the level of force that reasonably appears necessary to control, or otherwise subdue, violent or potentially violent individual(s).Use of KEPs with a KEP launcher is authorized under Minnesota State Statue 609.06, "Authorized Use of Force," as well as the guidelines set forth in this section.

The KEP is an other-than-deadly force device that when paired with a KEP launcher should be deployed as an additional law enforcement tool that reduces the likelihood of injury to officers and subjects. It should be used to control and / or apprehend combative subjects when deadly force is not justified or when attempts to subdue a subject by verbalization or hard, empty hand control

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has been, or is likely to be, ineffective, or when an officer has a reasonable expectation that it will be unsafe to approach within contact range of a given subject.

Use of the KEPs will be reported on a departmental Resistance Response Report and in the report of the incident.

303.9.2 PROCEDURES FOR USE

The following procedures and guidelines for use will be observed.

(a) Authorized Users:

1. The KEP will only be issued to, and deployed by, officers who have completed the department KEP course for operators with the department provided and approved KEP launcher and projectiles.

(b) Weapon Readiness:

1. The device (KEP launcher) and KEPs will be available to officers trained and will be stored in the Armory and may be secured in a department vehicle for shift use and Special Weapon and Tactical (SWAT) operation response. The KEP launcher should remain unloaded when stored or being transported.
2. It is each officer's responsibility to check the KEP launcher and KEP's prior to each deployment. If either the KEP launcher or KEP devices are determined to be compromised or expired the device in question should be pulled from operation and a KEP/KEP Launcher trainer notified.
3. Officers authorized to use the KEP Launcher and KEPs shall use the attached and provided Launcher sling and KEP carrier.

(c) Prohibited Use:

1. As an interrogative device, either through application or threat thereof.
2. To threaten, harass, taunt or abuse.
3. Within a distance of 5 feet of the subject of use unless deadly force is authorized.
4. On a handcuffed prisoner.
5. In an unlawful manner.

(d) NOTE: KEPs and their launcher are effective in incapacitating most subjects. However, it should not be used as a substitute for a firearm. In situations where subjects are armed with a lethal, non-firearm weapon (e.g., knife, blunt instrument) the KEP / KEP launcher operator should be covered by an armed officer).Officers are not required or compelled to use the KEP / KEP launcher in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely.

(e) Deployment:

1. The officer should take into consideration and avoid using a KEP if the subject is known to be pregnant, very young, very old, or frail.
2. The officer should also take into consideration such factors as:

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3. Distance and angle to target.
4. Type of munitions employed.
5. Type and thickness of subject's clothing.
6. The subject's proximity to others.
7. The location of the subject and surroundings.
8. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.
9. Once an Officer has decided the criteria exist for deployment of the KEP and Launcher, the following steps shall be adhered to:
10. Prior to the deployment of the KEP the deploying officer, if possible, will advise other officers and the suspect of the impending deployment by announcing their intentions. This will be done so the sound of the deploying KEP is not confused with that of a discharging firearm and provide the individual a reasonable opportunity to voluntarily comply.
11. Officers will not intentionally target the head, neck or groin unless deadly force is authorized.

303.9.3 AFTERCARE AND REPORTING

Officers are to immediately call paramedics to the scene to evaluate the subject.

On Duty Supervisor should be notified of deployment of KEP as soon as possible.

Photographs of the projectile impact sites should be taken.

The expended cartridge should be collected and entered into evidence along with the projectile if it can feasibly be located.

Officers shall complete the departmental Resistance Response Report and detail the KEP deployment in the Officers narrative report prior to the end of their duty shift.

303.9.4 TRAINING FOR KEP DEVICES

Officers will receive training on the use of issued KEPS and Launcher devices and this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. 626.8452 sub. 3)

(a) Proficiency training shall be monitored and documented by a training officer in KEPs and Launcher devices or tactics instructor.

(b) All training and proficiency for KEP devices will be documented in the officer’s training file.

303.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary. Officers will receive training on the use of issued control devices and

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this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

(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 officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.11 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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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance, use, and first aid treatment when deploying the Conducted Energy Weapon (CEW).

304.2 POLICY

The CEW 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 officers and suspects.

Use of the CEW is authorized under Minnesota Authorized Use of Force Statutes, as well as the guidelines in this policy. The CEW is a less lethal device that should be deployed as an additional law enforcement tool that reduces the likelihood of injury to officers and subjects. It should be used to control and / or apprehend combative subjects when deadly force is not justified or when attempts to subdue a subject by verbalization or hard, empty hand control has been, or is likely to be, ineffective, or when an officer has a reasonable expectation that it will be unsafe to approach within contact range of a given subject.

304.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the CED.

The Range Officer or Equipment Sergeant should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been inspected and approved by a certified weapons instructor or armorer and issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.

(c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

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304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CEW is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEWs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Range Officer or Equipment Sergeant for disposition. Officers shall submit documentation stating the reason for the return and how the CEW or cartridge/magazine was damaged or became inoperative, if known.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of officers 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 officers and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CEW. The laser should not be intentionally directed into anyone's eyes.

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

304.5 USE OF THE CEW

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely deploy the device within its operational range. Although the CEW may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CEW may be considered for officer safety.

304.5.1 APPLICATION OF THE CEW

The CEW may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CEW to apprehend an individual.

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW 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 officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential 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 known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CEW capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CEW

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

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No more than three consecutive cycles shall be administered to a subject during an incident, unless one or more was concluded to be ineffective or deadly force is authorized by policy and state law. Officers shall not intentionally apply more than one CEW at a time against a single subject.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CEW. As soon as practicable, officers shall notify a supervisor any time the CEW has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The CEW may be deployed 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.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEWs while off-duty.

Officers shall ensure that CEWs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all CEW discharges in the related arrest/crime reports and the Response to Resistance Report, as appropriate. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the appropriate report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented. Data downloads from the CEW after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

304.6.1 CEW REPORT FORM

As applicable based on the device type, items that shall be included in the CEW report form are:

(a) The brand, model, and serial number of the CEW and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

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(d) The number of probes deployed, CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CEW was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The assigned Sergeant should periodically analyze the documentation to identify trends, including deterrence and effectiveness. The assigned Sergeant should also conduct audits of CEW device data downloaded to an approved location and reconcile CEW documentation with recorded activations. CEW information and statistics, with identifying information removed, may periodically be made available to the public, such as in a portion of a published response to resistance summary.

304.6.2 REPORTS

The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing CEWs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

304.7 MEDICAL TREATMENT

Paramedics should be called to the scene of a CEW deployment to evaluate the subject. Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CEW probes from a person's body. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken. Officers shall not remove probes from a subject's head, neck or groin. Responding paramedics or treating medical staff will be responsible for removing the probes from these body locations.

All persons who have been struck by CEW probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following

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categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to Methodist Hospital in St. Louis Park for examination or medically evaluated prior to booking, unless a valid medical reason requires transport to another facility, or the individual is taken into custody by another law enforcement agency, with supervisor approval. Hospital staff should follow their current CEW exposure protocol in conducting the evaluation. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CEW may be used. A supervisor should respond to all incidents where the CEW was activated.

A supervisor shall review each incident where a person has been exposed to a CEW. The device's internal logs should be downloaded by a the assigned Sergeant and saved with the related arrest/crime report. The supervisor should ensure photographs of probe sites are taken and witnesses interviewed, if necessary.

304.9 TRAINING

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

Personnel who have been issued CEDs will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

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A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Sergeant. All training and proficiency for CEDs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Sergeant should include the following training:

(a) A review of this policy

(b) A review of the Use of Force Policy

(c) Performing weak-hand draws or cross-draws until proficient 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 to the head, neck, area of the heart, and groin

(e) Scenario-based training, including virtual reality training when available

(f) Handcuffing a subject during the application of the CED and transitioning to other force options

(g) De-escalation techniques

(h) Restraint techniques that do not impair respiration following the application of the CED

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety

(j) Proper tactics and techniques related to multiple applications of CEDs

Members who fail to demonstrate proficiency with the CED or knowledge of the Use of Force Policy will be provided with remedial training. If a member cannot demonstrate proficiency with the CED or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the CED and may be subject to discipline.

All qualifications, training, and proficiency assessments shall be monitored by a certified CED instructor.

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Organic Irritant Launcher

305.1 ORGANIC IRRITANT LAUNCHER GUIDELINES

The Organic Irritant Launcher (OIL) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. OIL is a non-lethal device that should be deployed as an additional law enforcement tool that reduces the likelihood of injury to officers and subjects.

The use of OIL is authorized under Minnesota Authorized Use of Force Statutes, as well as the guidelines in this policy. It should be used to control and / or apprehend combative subjects when deadly force is not justified or when attempts to subdue a subject by verbalization or hard, empty hand control has been, or is likely to be, ineffective, or when an officer has a reasonable expectation that it will be unsafe to approach within contact range of a given subject.

305.2 USE OF ORGANIC IRRITANT LAUNCHER

It is the policy of the department to use only the level of force that reasonably appears necessary to control, or otherwise subdue, violent or potentially violent individual(s) or bring an otherwise unlawful situation to an end. Use of OIL is authorized under Minnesota State Statue 609.06, "Authorized Use of Force," as well as the guidelines set forth in this section.

Organic Irritant Launcher projectile systems are a non-lethal, versatile system that affords the officer a variety of deployment options such as area saturation or direct impact. OIL projectiles are plastic spheres or shaped projectiles that are liquid or powder filled that may contain OC, water, a marking agent, or be solid. Because the OIL launcher delivers the projectiles with enough force to burst the projectiles on impact, the potential exists for the projectiles to inflict injury and should be considered a kinetic energy munition if deployed in a direct impact manner. The head, neck, spine or groin shall not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

All OIL field deployments, to include subject non-compliance prior to discharging a OIL projectile, shall be documented in the Resistance Response Report and notification made to a supervisor in compliance with the Use of Force Policy. Accidental discharges shall be promptly reported to a supervisor and documented. Only non-incident use of anOIL, such as training and product demonstrations, are exempt from the reporting requirement.

305.3 PROCEDURES FOR USE

The following procedures and guidelines for use will be observed.

Authorized Users:

The OIL will only be issued to, and deployed by, officers who have completed the department OIL course for operators with the department provided and approved OIL launcher and projectiles.

Weapon Readiness:

The OIL device will be available to officers trained and will be stored in the carrying case in the back of designated squads.

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It is each officer's responsibility to check the OIL launcher to include air tank prior to each deployment. If either the OIL launcher or OIL devices are determined to be compromised or expired, the device in question should be pulled from operation and a OIL Launcher trainer notified. If the air tank has insufficient air pressure, officers are to refill the air tank using the appropriate supply air tanks stored at the police department.

Officers authorized to use the OIL launcher shall use the attached and provided launcher sling and OIL carrier.

Prohibited Use:

- As an interrogative device, either through application or threat thereof.
- To threaten, harass, taunt or abuse.
- Individuals who are handcuffed or otherwise restrained.
- In an unlawful manner.

NOTE: OILs are effective in incapacitating most subjects. However, it should not be used as a substitute for a firearm. In situations where subjects are armed with a lethal, non-firearm weapon (e.g., knife, blunt instrument) the OIL launcher operator should be covered by an armed officer). Officers are not required or compelled to use the OIL launcher in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely.

Deployment:

The officer should take into consideration and avoid using the OIL if the subject is known to be pregnant, elderly individuals or obvious juveniles.

The officer should also take into consideration such factors as:

- Distance and angle to target.
- Type of munitions employed.
- The subject's proximity to others.
- The location of the subject and surroundings.
- Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

Once an officer has decided the criteria exist for deployment of the OIL, the following steps shall be adhered to:

Prior to the deployment of the OIL the deploying officer, if possible, will advise other officers and the suspect of the impending deployment by announcing their intentions. This will be done to provide awareness to other officers as to its impending use, and provide the individual (and others directly in the area) a reasonable opportunity to voluntarily comply.

Officers will not intentionally target the head, neck or groin unless deadly force is authorized.

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Deployment into a Structure:

Any deployment of a OIL into a structure requires the following notification be left at the scene or given to the owner/occupant: (Form is available in CAD/RMS)

During a call for service, the St. Louis Park Police Department deployed Pelargonic Acid Vanillylamide (PAVA) powder from a Organic Irritant Launcher on the property located at _____.

This is an organic irritant agent and generally remains in/on the property until the property is cleaned and/or sufficiently ventilated. Anyone going close to or entering the property may experience effects from the agent.

PAVA powder or Capsaicin powder is a nontoxic irritant; some potential effects of PAVA are listed below:

- Sensation of impaired breathing
- Burning sensation/inflammation of skin
- Tightness of the chest and pain
- Involuntary closure of eyes
- Profuse tearing
- Secretion of excessive mucous
- Gagging or coughing

If you leave the structure, these symptoms should go away. If they continue, or become worse, you should seek medical attention. If necessary, call 911 for emergency medical assistance. Immediate actions were taken to decontaminate the structure. For further elimination of the organic irritant residue from the structure, open doors and windows and move air using fans. If after 90 minutes organic irritant is still present, close all windows and doors and turn on heat at 95 degrees for 90 minutes. After 90 minutes, open windows and doors and use fans to move air. The St. Louis Park Police Department is not responsible for cleaning up the organic irritant left on the property. If the above steps are not sufficient, private cleanup companies are available to clean the property at your expense. If any damage was done to the structure, the owner should report damage to their insurance company and refer any further questions to the St Louis Park Police Department.

305.4 DEFINITIONS

Area saturation – Deployment of a OIL projectile to the surrounding area such as walls, the ground, or vehicles with the intent of distributing the chemical agent without striking the subject.

Direct impact – The intentional targeting and deployment of OIL projectiles, regardless of the type of OIL projectile, with the intent of striking the subject.

Shaped projectiles – Magazine fed projectiles that are spin stabilized and frangible.

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Powder filled projectiles – Round projectiles that are filled with varying amounts of Organic Irritant or inert powder.

Liquid filled projectiles – Round projectiles that are filled with water or a marking agent.

Solid projectiles – Round projectiles that are solid and deployed to breech glass.

305.5 AFTERCARE AND REPORTING

Persons affected by the OIL should be promptly provided immediate medical attention. Photographs of the subject's injuries will be taken whenever possible. The affected subject(s) should be removed to an area of fresh air; remove any OIL powder from the subject's clothing if possible. Cool, clean water can be used to wash powder off exposed skin.

Officers shall complete the departmental Resistance Response Report and detail the OIL deployment in the Officers narrative report prior to the end of their duty shift.

305.6 TRAINING FOR ORGANIC IRRITANT LAUNCHER

Officers will receive training on the use of issued OIL devices and this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. 626.8452 sub. 3)

The OIL will only be issued to, and deployed by, officers who have completed the department OIL course for operators with the department provided and approved OIL launcher and projectiles.

Proficiency training shall be monitored and documented by a training officer in OIL devices or tactics instructor.

All training and proficiency for OIL devices will be documented in the officer's training file.

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Officer-Involved Shootings and Deaths

306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer. This policy establishes a framework and guidelines for responding to critical incidents involving members of this agency. The guidance and steps below are intended to supplement rather than replace regular agency practices. Accordingly, this policy identifies tasks and priorities that should be addressed, but does not provide detailed instructions as to the manner of completing them.

In incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

306.2 POLICY

The policy of the St. Louis Park Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner. This agency will respond to critical incidents in a manner that protects public safety, fosters trust in and accountability for law enforcement, and addresses the needs of personnel who have been exposed to threatening circumstances and acute stress. Because situations may vary significantly, personnel must exercise sound judgment in determining how and when to implement the procedures set forth in this policy.

306.3 DEFINITIONS

The following phrases have special meanings as used in this policy.

(a) **Critical Incidents** include officer-involved shootings and other situations involving most or all of the following circumstances:

1. A law enforcement officer has used force or taken other actions.
2. The officer's actions resulted in death or serious injury to another.
3. A review of the officer's conduct for compliance with criminal laws is likely to occur regardless of whether there is a citizen complaint.
4. It is foreseeable that the event will result in at least some degree of media interest or public scrutiny toward the agency and officer.
5. The circumstances will warrant due consideration for the emotional health and well-being of the officers involved.

(b) **Involved Officer** means an officer employed by this agency who used force or took other actions that resulted in death or serious injury to another.

(c) **Uninvolved Officer** means an officer employed by this agency who may have participated in, witnessed, or responded to a critical incident, but who did not use force or take other actions that resulted in death or serious injury to another.

(d) **Employing Agency** means the agency that employs one or more involved officers.

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(e) **Investigating Agency** means another law enforcement agency that will independently investigate the use of force or other circumstances that resulted in death or serious injury.

306.4 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

306.5 INDEPENDENT INVESTIGATION

The St. Louis Park Police Department will request an independent investigation whenever officers of this agency use deadly force or take other action that directly results in death or serious injury to another. For incidents occurring within the territorial jurisdiction of the City of St. Louis Park, the chief or chief's designee shall contact an Investigating Agency to request assistance. For incidents occurring outside the territorial jurisdiction, the chief or designee shall coordinate the request with the agency having jurisdiction over the place where the event occurred. This agency will provide all reasonable cooperation and assistance to the Investigating Agency.

306.6 INVESTIGATIVE RESPONSIBILITY MATRIX

	Criminal Investigation of Suspects	**Criminal Investigation of Peace Officers**	**Civil Investigation**	**Administrative Review**
SLPPD Officer in This Jurisdiction	HCSO or BCA	HCSO or BCA	SLPPD	SLPPD Chief or designee
Outside Agency's Peace Officer in This Jurisdiction	SLPPD Investigators or HCSO	SLPPD Investigators or HCSO	Involved Peace Officer's Agency	Involved Peace Officer's Agency
SLPPD Officer in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	SLPPD	SLPPD Chief or designee

306.7 CONTROL OF INVESTIGATIONS

Refer to the responsibility matrix in the section above.

General principles: Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may, in some cases, include at least one investigator from the agency that employs the involved officer. Jurisdictional considerations can take into account the location of the shooting or death and the agency employing the involved officer.

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306.7.1 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

306.7.2 POST ADMINISTRATIVE INVESTIGATIONS
The Minnesota POST Board may require an administrative investigation based on a complaint alleging a violation of a statute or rule that the board is empowered to enforce. An officer-involved shooting may result in such an allegation. Any such complaint assigned to this department 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).

306.7.3 COOPERATION WITH INDEPENDENT BUREAU OF CRIMINAL APPREHENSION INVESTIGATIONS
The Department will fully cooperate with and promptly respond to requests for information from the Bureau of Criminal Apprehension regarding an officer-involved death investigation (Minn. Stat. § 626.5534).

306.8 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

306.8.1 IMMEDIATE PRIORITIES
Because situations may vary significantly, officers on the scene or who arrive there in the immediate aftermath of an incident must exercise professional judgment to determine the order in which to address potentially competing priorities. Involved Officers, until relieved, and Uninvolved Officers shall take appropriate actions to: (see Officer and Supervisor Resources section, below.)

1. Summon emergency medical care for and provide first aid to any individuals with serious injuries or medical conditions.
2. Summon appropriate resources to the scene.
3. Protect the public against any risks posed by ongoing hazards or dangerous people at large. (see Resources section, below.)
4. Obtain and broadcast information to aid in the apprehension of any dangerous suspects.
5. Coordinate a perimeter and brief supervisors upon arrival.
6. Notify command staff and agency leaders of the incident.

306.8.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved SLPPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

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1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any SLPPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Duty Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) As soon as practicable, take command of and secure the incident scene with additional SLPPD members until properly relieved by another supervisor or other assigned personnel or investigator. Incident commander should notify Dispatch and other officers by radio of this status.

(a) Officers and supervisors on scene may, by quick consensus, designate a more experienced or more suitably trained officer at the scene to serve as the Incident Commander.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

(a) Each involved SLPPD officer should be given an administrative order not to discuss the incident with other involved officers or SLPPD members pending further direction from a supervisor.

All outside inquiries about the incident shall be directed to the Chief of Police or designee.

306.8.3 INCIDENT MANAGEMENT ACTIVITIES

Although the Investigating Agency will likely respond to the scene, immediate steps may still be necessary to protect public safety and to prevent the loss or destruction of evidence. Accordingly, the St. Louis Park Police Department's Incident Commander or on scene supervisor shall determine which of the following tasks are of the highest priority and shall assign appropriate personnel to address them:

1. Promptly identify Involved and Uninvolved officers and, to the extent feasible, relieve Involved Officers of active participation in any ongoing scene management and law enforcement activities. Uninvolved Officers who witnessed or participated in the event should be assessed to determine if they are capable of assisting with further law enforcement efforts.

2. Consider and, if necessary, obtain Public Safety Statements from the Involved Officers, if not already undertaken, using the guidelines and questionnaire in the

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"Officer and Supervisor Resources" section, below. A Public Safety Statement may not be necessary if there are other sources that can provide the required information.

3. Identify witnesses and the evidence they possess, and obtain immediate statements from witnesses only if there is reason to believe the witness will be unwilling or unable to be interviewed or provide an accurate account later.
4. Establish one or more perimeters to control the scene and restrict access, and keep a log of personnel entering and exiting the perimeter.
5. Safeguard physical evidence that could become lost or degraded before the scene is methodically processed.
6. Prevent electronic evidence stored in body-worn cameras and in-car camera systems from being overwritten by deactivating any systems left in "record" mode.
7. Notify and secure assistance from any outside criminal Investigating Agency that will be utilized; obtain that agency's estimated time of arrival at the scene; and coordinate with that agency as to any immediate steps that should be taken.
8. Preserve the evidentiary value of weapons that officers have used or fired during the event. If the officer(s) weapon(s) are holstered they should remain holstered until collected by the Investigating Agency as evidence. Officers will be issued comparable replacement weapons for any that have been collected as evidence unless otherwise indicated.
9. Preserve the evidentiary value of all clothing/equipment items worn by the involved officer during the event. The investigating agency may collect all clothing items at the hospital at the same time all involved officers are receiving a mandatory medical assessment conducted by an emergency room physician. Supervisors or care officers should refer on duty medical staff to our request for a basic medical evaluation outlined in Appendix D.
10. Assign a liaison to work with the Investigating Agency.
11. Assign a "Care Officer" to each Involved Officer. The duties of the Care Officer will include removing the Involved Officer from the scene to an appropriate location, and providing reasonable assistance to meet the Involved Officer's basic needs following the incident. The Care Officer may also be asked to verify that the Involved Officer committed to his or her care had no contact with other Involved Officers or witnesses from the time of the Care Officer's assignment until the time the Involved Officer is released from duty. There is generally no legal privilege for communications between Care Officers and Involved Officers. A list of potential additional duties of Care Officers is attached hereto as Appendix C. It may also be appropriate, depending on the individual's status, to assign a Care Officer to any Uninvolved Officers who participated in or witnessed the event and were traumatized by it.
12. Provide for or coordinate the appropriate notification to the families or survivors of any individuals killed or seriously injured during the incident.
13. Consider the advisability of providing public information about the event.

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306.8.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Watch Commander
- Investigation Division Commander
- Outside agency investigators (if appropriate)
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Communications and Marketing Manager

306.8.5 INVOLVED OFFICERS

Involved Officers shall:

(a) Refrain from assisting with any ongoing law enforcement or scene management activities as soon as adequate uninvolved personnel are available at the scene.

(b) Preserve the integrity of physical evidence such as blood, fingerprints, and other biologics on the officer's person, clothing, and equipment until it is collected.

(c) Remain in the company of the officer's assigned Care Officer or at the location designated until relieved from duty.

(d) Not discuss the incident with others who were involved in or witnessed the incident, or with other employees of this agency, until the criminal and administrative review processes have been completed. This section shall not be construed, however, to prohibit officers from discussing the incident with the officer's attorney, mental health professional, or licensed social worker, clergy member, or spouse.

RIGHTS OF INVOLVED OFFICER(S): The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

1. Involved SLPPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-SLPPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

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(d) A licensed psychotherapist shall be provided by the Department to each involved SLPPD officer. A licensed psychotherapist may also be provided to any other affected SLPPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Communications between the involved officer and a peer support member, peer support counselors, and critical incident stress management team members are addressed in the Wellness Program Policy.

(f) Involved Officers shall not be subject to employment-based drug or alcohol testing unless based on reasonable suspicion and conducted pursuant to the city's drug and alcohol testing policy. As a matter of course, investigators conducting the criminal review may ask Involved Officers to voluntarily provide samples for blood and alcohol testing as part of the criminal investigation. This agency will not penalize the refusal to voluntarily participate in such testing. Personnel from this agency may assist Involved Officers in voluntarily supplying the requested samples, such as by providing transportation to a hospital or clinic, or witnessing the collection of the sample.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved SLPPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Duty Sergeant to make schedule adjustments to accommodate such leave.

306.8.6 INITIAL RESPONSE

Officers should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Make a brief preliminary radio broadcast advising Dispatch and other officers of the situation.

(c) Take reasonable steps to obtain emergency medical attention for injured individuals.

(d) Request additional resources from the Department or other agencies.

(e) Coordinate a perimeter or pursuit of suspects.

(f) Check for injured persons and evacuate as needed.

(g) Keep radio transmissions to a minimum.

(h) Brief the supervisor upon arrival.

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(i) Refrain from discussing the incident with bystanders at the scene.

306.9 CRIMINAL INVESTIGATION

An outside agency, in most cases the Minnesota Bureau of Criminal Apprehension (BCA), will be responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the Prosecuting Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) SLPPD supervisors and Office of the Chief personnel should not participate directly in any voluntary interview of SLPPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

306.9.1 REPORTS BY INVOLVED SLPPD OFFICERS

Officers who were involved in or witnessed a critical incident shall not be required to prepare a written report concerning the incident unless specifically directed to do so.

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SLPPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

It is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution of other individuals, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

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Nothing in this section shall be construed to deprive an involved SLPPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

306.9.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When 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, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(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 a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

306.9.3 INVESTIGATIVE PERSONNEL

Department investigators may be assigned to work with investigators from the Prosecuting Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the Prosecuting Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander, the Chief of Police, or designee.

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306.10 ADMINISTRATIVE INVESTIGATION/REVIEW

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved SLPPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of the Chief and will be considered a confidential officer personnel file.

1. This agency will review all critical incidents to determine whether the force used or actions taken by officers were in compliance with governing law, agency policy, and agency training. The timing of this review will be determined on a case-by-case basis, and the review will encompass an examination of all relevant evidence.
2. If the results of the review establish there was no misconduct, the results of this determination shall be documented and the matter closed.
3. If the results of the review conclusively establish that misconduct occurred, then the chief or chief's designee shall determine appropriate remedial or disciplinary action and document the findings, and the matter shall then be closed. The provisions of this policy do not abridge the rights of officers to challenge or appeal any disciplinary action under the collective bargaining agreement or other applicable procedures.
4. If the results of the review suggest that misconduct may have occurred, then an administrative investigation shall be conducted consistently with the Peace Officer Discipline Procedures Act.

Interviews of members shall be subject to department policies and applicable laws (Personnel Complaints Policy; Minn. Stat. § 626.89).

(a) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

    1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(b) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information (Minn. Stat. § 626.89).

    1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
    2. The interview must be taken at the SLPPD or at a place agreed to by the interviewer and the involved officer.
    3. The interview must be of reasonable duration and provide the involved officer reasonable periods for rest and personal necessities. When practicable, the interview must be held during the involved officer's regularly scheduled work shift. If not, the involved officer must be compensated at his/her current pay rate.

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4. If requested, the officer shall have the opportunity to select an uninvolved representative or an attorney, or both, to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
5. Administrative interviews shall be recorded electronically or otherwise by the investigator. The officer may also record the interview. A complete copy or transcript of the interview must be provided to the involved officer upon written request without charge or undue delay.
6. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed in writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.
7. The Office of the Chief shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
8. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

306.11 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

306.12 OFFICER AND SUPERVISOR RESOURCES

Officers and supervisors shall be familiar with the resources and lists below, and refer to them in the event of a critical incident.

306.12.1 INCIDENT MANAGEMENT CHECKLIST

Immediate Priorities:

- Summon care for/provide care to those with serious injuries.
- Summon appropriate resources to the scene.
- Protect the public against any risks posed by ongoing hazards or dangerous people.
- Broadcast suspect information.

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- Notify command staff/agency leadership.
- Implement incident command.

Incident Management Activities:

- Identify Involved Officers, and Uninvolved Officers incapable of performing, and relieve from further duty.
- Consider and, if necessary, obtain Public Safety Statements.
- Identify witnesses and the evidence they possess; take statements only if necessary.
- Establish one or more perimeters; keep a log of those entering and exiting.
- Safeguard physical evidence to prevent loss or degradation before scene is processed.
- Prevent body-cam and dash-cam recordings of the event from being overwritten.
- Secure assistance from and coordinate with the Investigating Agency; obtain ETA.
- Preserve the evidentiary value of police weapons; issue replacement weapons.
- Assign a liaison to work with investigating agency.
- Assign a Care Officer to Involved Officers and, if necessary, to others relieved of duty.
- Provide for or coordinate notifications of death or serious injury.
- Consider the advisability of providing public information about the event.
- Notify the on call police chaplain and have available at headquarters to assist as needed.

306.12.2 PUBLIC SAFETY STATEMENT QUESTIONNAIRE

The initial on-scene supervisor or Incident Commander may use the following questions to obtain immediate information about ongoing life and safety issues after a critical incident:

St. Louis Park Police Department: Critical incident public safety statement

(This statement should only be given once and taken by the first responding supervisor, noting the date/time and officer's name.)

"As a supervisor, I am directing you to give this public safety statement:

- To the best of your knowledge, is anyone injured that we are not aware of?
- If firearms were used, what direction(s) or area(s) should we check?
- Are there any witnesses or suspects we should search for or speak to?
- Are there any locations other than where we are that we should consider for scene processing and public safety?
- Is there any other public safety information you would like to add?

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- This concludes the public safety statement. Per policy, I am directing you to turn off your body-worn camera."

After collecting the public safety statement, the supervisor will:

(a) Collect body-worn camera, taking care to preserve any potential physical evidence.

(b) Ensure all body-worn and dash video is uploaded to server from devices before relinquishing.

306.12.3 DUTIES OF CARE OFFICERS

Instructions to Care Officer:

The duties of the Care Officer are not fixed and certain, and may vary depending on the circumstances. The Care Officer should be encouraged to seek guidance and clarification from agency leadership if in doubt as to the appropriate scope of duties. You should consider your communications with Involved Officers to not be legally privileged. You may be asked to verify that the officer committed to your care did not have any communications with other Involved Officers or witnesses from the time you were given this assignment until the officer is released from duty.

In the immediate aftermath:

- Providing the officer with transportation away from the scene to the police station or law enforcement center, or another appropriate location. The officer being transported should not be placed in the back seat or in any other prisoner transport area, both for the well-being of the officer and to avoid a misperception that the officer has been taken into custody. If the officer is transported to a hospital or medical facility, the Care Officer will accompany and remain with the involved officer until properly relieved.
- Addressing the involved officer’s basic physical needs, such as access to a restroom and access to medications, food, and hydration.
- Ensuring that the officer has an appropriate place to wait following the incident, being mindful that some officers may prefer a private setting while others might find isolation to be distressing. Be mindful of ongoing radio traffic of the event and ask the involved officer their preference for radio traffic to be on or off. Officers should not be directed to wait in places where criminal suspects are detained, or in places that are used for the administration of discipline.
- Assisting the officer with immediate communication needs, such as contacting family members, spiritual advisors, legal counsel, and union representatives.
- Picking up or delivering replacement clothing if the officer’s own garments will be collected as evidence.
- Meeting reasonable needs for transportation.
- Assisting the officer in dealing with interruptions to his or her abilities to meet scheduled parenting, familial, or other obligations.

During any period of administrative leave:

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- Maintaining contact with the officer to help him or her stay abreast of developments within the agency.
- If appropriate, conveying any messages on behalf of the department's leadership.

306.13 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available squad camera, body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available squad camera, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any squad camera, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

306.13.1 AUDIO AND VIDEO RECORDINGS OF USE OF FORCE INCIDENTS INVOLVING DEATHS OF INDIVIDUALS

When a person dies as a result of the use of force by an officer, the Department shall comply with Minn. Stat. §§ 13.825 and 626.8473 regarding inspection, release, and any necessary redaction of portable recording system data. See the Body-Worn Cameras Policy for additional guidance.

306.14 DEBRIEFING

Following an officer-involved shooting or death, the St. Louis Park Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

306.14.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

306.15 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation.

No involved SLPPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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306.16 REPORTING

If an officer discharges a firearm in the course of duty, the Chief of Police shall notify the Commissioner of Public Safety within 30 days of the reason for and the circumstances surrounding the discharge of the firearm (Minn. Stat. § 626.553).

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Firearms

307.1 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 firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

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

307.1.1 AUTHORIZATION TO CARRY FIREARMS

All licensed personnel shall successfully complete department training regarding the use of force, deadly force, and the use of firearms before being issued a firearm or being authorized to carry a firearm in the course of their duties (Minn. Stat. § 626.8452, Subd. 3; Minn. Stat. § 626.8463).

307.2 POLICY

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

307.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Range Officer or Equipment Sergeant. 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 department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

307.3.1 HANDGUNS

The authorized department-issued handgun is the Glock 17 or 19.. Additional similar handguns may be approved by the Chief of Police, if carried by a Department member before 4-1-2022.

307.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the Sig Sauer MCX .223. Additional similar rifles may be approved by the Chief of Police.

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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.

(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 consistent with department training in a locking weapons rack in the patrol vehicle.

SWAT members working in a special assignment (Investigations, SRO, Community Outreach, etc.) will maintain their assigned long gun in the armory and will have it ready for use.

307.3.3 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police 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) If a personally owned firearm is to be carried, it shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

    (a) 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 Range Officer or Equipment Sergeant for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Range Officer or Equipment Sergeant.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Range Officer or Equipment Sergeant that the member is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

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(f) Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Range Officer or Equipment Sergeant, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, the member may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition (.380, 9mm,.40, and.45-caliber).

(i) When armed, officers shall carry their badges and St. Louis Park Police Department identification cards under circumstances requiring possession of such identification.

307.3.4 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification at least once every two years. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Range Officer or Equipment Sergeant when needed, in accordance with established policy.

307.4 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.

307.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Range Officer or Equipment Sergeant.

Firearms that are the property of the Department will be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Range Officer or Equipment Sergeant.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Range Officer or Equipment Sergeant.

307.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members while on duty. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Cross draw, upside down, or similar holsters are not permitted without the express approval of the Chief of Police or designee.

307.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on-duty after they have been examined and approved by the Range Officer or Equipment Sergeant. 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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307.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on-duty after they have been examined and approved by the Range Officer or Equipment Sergeant, and approved for general usage by the Chief of Police. 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.

307.5 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 Range Officer or Equipment Sergeant. Members shall not dry fire or practice quick draws except as instructed by the Range Officer or Equipment Sergeant or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. 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.

(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 Department 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 theDepartment or a Range Officer or Equipment Sergeant approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Range Officer or Equipment Sergeant 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.

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307.5.1 INSPECTION AND STORAGE

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. All firearms shall be pointed in a safe direction or into clearing barrels for loading/unloading.

Firearms may be safely stored in lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. If needed to be stored, shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

307.5.2 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 department-issued firearms to be handled by anyone not authorized by the Department 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).

307.5.3 ALCOHOL AND DRUGS

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.

307.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms (Minn. Stat. § 626.8452). Officers will also receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

Members will qualify with off-duty and secondary firearms at least twice a year.

Training and qualifications must be on an approved range course and monitored by a certified firearms instructor.

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

307.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

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Those 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 the following:

1. Unauthorized range make-up
2. Failure 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.

307.7 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 his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy and other provisions of this manual.

In all other cases, written reports shall be made and other procedures observed as follows:

(a) Whenever an officer discharges a firearm in the course and scope of their duties or while acting under color of law (exclusive of training), the officer shall notify the duty supervisor.

(b) The officer who discharged a firearm shall file a written report of the incident with the duty supervisor as soon as time and circumstances permit, but in no event later than the completion of their current tour of duty. This requirement may be suspended on order of the immediate supervisor.

(c) If the officer is incapable of filing the required report, the officer's duty supervisor shall be responsible for filing the report.

(d) **INITIAL INVESTIGATION OF FIREARM DISCHARGE:**

1. Each discharge of a firearm within this policy shall be investigated by the Chief of Police or designee, who shall personally inspect the scene of the incident.
2. The Chief of Police or designee will determine if an outside agency is needed to investigate and, if so, determine the appropriate agency.
3. After conducting a thorough investigation of the circumstances surrounding the discharge of the firearm, the responsible party or agency shall submit a detailed written report of the results of the investigation to the Chief of Police. The report

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will state whether the discharge was justified and in accordance with department policy.

307.7.1 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. A report shall be written in these instances.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CEW, 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.

The following guidelines are provided for destruction of animals:

1. The animal shall be removed from public view prior to euthanizing whenever possible.
2. The animal should be placed upon the ground (in lieu of pavement) to decrease the possibility of ricochet.
3. Shoot the animal from close range, five to fifteen feet maximum if possible.
4. Shoot down into the animal so that the projectile, if exiting the animal's body, will enter the ground.
5. Shoot the animal in the brain to minimize suffering (exception below). Upon euthanizing an animal, arrangements should be made without delay for removal of the animal's body.

EXCEPTION: If the possibility of rabies exists, or if the animal has bitten someone, the animal cannot be shot in the brain. In these cases, the animal should be shot in the chest cavity, directly behind either front leg, and the animal's body must be removed to an appropriate rabies testing facility and the state department of health notified.

307.7.2 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.

307.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

307.7.4 REPORTING FIREARMS DISCHARGE

The Chief of Police shall notify the Commissioner of Public Safety within 30 days of an on-duty firearm discharge, except when the discharge is in the course of training or destruction of animals

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(described in this policy). The notification shall contain information concerning the reason for and circumstances surrounding the discharge (Minn. Stat. § 626.553).

307.8 RANGE OFFICER OR EQUIPMENT SERGEANT DUTIES

In this, and all related policies, the term Rangemaster refers to the sergeant in charge of the armory and range, and all range officers under their direction. The range will be under the exclusive control of the Range Officer or Equipment Sergeant. All members attending will follow the directions of the Range Officer or Equipment Sergeant. The Range Officer or Equipment Sergeant will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Range Officer or Equipment Sergeant may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Range Officer or Equipment Sergeant has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Range Officer or Equipment Sergeant has the authority to deem any department-issued or privately owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Range Officer or Equipment Sergeant.

The Range Officer or Equipment Sergeant 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.

The Range Officer or Equipment Sergeant shall complete and submit to the Training Sergeant 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 Department, a list of each member who completes the training. The Range Officer or Equipment Sergeant should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

307.8.1 RECORD OF APPROVED FIREARMS

The Range Officer or Equipment Sergeant shall maintain a record of each firearm approved by the Department.

307.9 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 officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers 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 Department based on the law and published TSA rules.

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(b) Officers must carry their St. Louis Park Police Department identification card bearing the officer's name, a full-face photograph, identification number, the officer's signature, and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The St. Louis Park Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the St. Louis Park Police Department an NLETS message containing a unique alphanumeric identifier. The officer 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 Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail the itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of the officer's assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on the officer's person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

307.10 CARRYING FIREARMS OUT OF STATE

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

(a) The officer shall carry the officer's St. Louis Park Police Department identification card whenever carrying such firearm.

(b) The officer may not be the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

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Officers 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 an officer from arrest and prosecution in such locally restricted areas.

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

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Officer Response to Calls

308.1 PURPOSE AND SCOPE

The State of Minnesota finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. This policy provides for the safe and appropriate response to all emergency and nonemergency situations (Minn. Stat. § 626.8458, Subd. 1).

308.2 POLICY

It is the policy of this department to appropriately respond to emergency and nonemergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

308.3 RESPONSE TO CALLS

308.3.1 RESPONSE TO EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate. Officers responding to an emergency call shall sound the siren and display at least one lighted red light to the front of the vehicle. It is recommended that headlights also be on when responding to an emergency call. Whenever practicable, during an emergency call response the officer should continuously operate emergency lighting equipment and sound the siren (Minn. Stat. § 169.03 et seq.; Minn. Stat. § 169.17). The siren may be deactivated when there is reasonable cause to believe its continued use could create an unnecessary risk of harm to the officer or another.

Responding with a red light, emergency lighting and/or siren does not relieve the operator of an authorized emergency vehicle or a law enforcement 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 his/her reckless disregard for the safety of others. The use of any other warning equipment without emergency lights and siren does not provide an exemption under Minnesota law (Minn. Stat. § 169.17).

Officers should only respond with a red light, emergency lights and/or siren when so dispatched or when circumstances reasonably indicate an emergency response is appropriate. (See also the Vehicle Pursuits policy.) Officers not responding with a red light, emergency lights and/or siren shall observe all traffic laws.

308.3.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES

An officer may operate a vehicle without lights as otherwise required while performing law enforcement duties when the officer reasonably believes that operating the vehicle without lights is necessary to investigate a criminal violation or suspected criminal violation of state laws, rules or orders, or local laws, ordinances or regulations. The operation of a vehicle without lights must be consistent with the standards adopted by Minnesota Peace officer Standards and Training Board (POST) (Minn. Stat. § 169.541). These include not operating without lights on interstate highways and/or at unreasonable speeds/conditions.

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308.4 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify Dispatch.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

308.4.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Duty Sergeant or field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

308.5 INITIATING EMERGENCY CALL RESPONSE

The Duty Sergeant or field supervisor will make a determination regarding the appropriateness of any emergency response and reduce or enhance the response as warranted.

308.6 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call officers may (Minn. Stat. § 169.03; Minn. Stat. § 169.17):

(a) Proceed cautiously past a red or stop signal or stop sign but only after slowing down and utilizing a red light and siren as may be necessary for safe operation.

(b) Exceed any speed limits, provided this does not endanger life or property.

(c) Disregard regulations governing direction of movement or turning in specified directions as authorized by law.

(d) Disregard regulations governing parking or standing when using a warning lamp.

The decision to continue an emergency call response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

When emergency vehicles are on the scene of an emergency and pose any hazard, or when the vehicle operators seek exemption to park, stop or stand contrary to any law or ordinance pursuant to Minn. Stat. § 169.541, adequate warning lights shall be operated whenever practicable.

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308.7 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Notify and coordinate outside emergency services (e.g., fire and ambulance).

(c) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.

(d) Control all radio communications during the emergency and coordinate assistance under the direction of the Duty Sergeant or field supervisor.

308.8 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Duty Sergeant or the field supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the Duty Sergeant or the field supervisor should consider the following:

- The type of call or crime involved.
- The necessity of a timely response.
- Traffic and roadway conditions.
- The location of the responding units.

308.9 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly. The officer shall notify the Duty Sergeant, field supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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308.10 TRAINING

The Training Sergeant shall ensure the frequency and content of emergency vehicle operations training meets or exceeds that required by law (Minn. Stat. § 626.8458).

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Canines

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

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

309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they are expected to handle patrol functions, such as routine calls for service, based on current operational needs.

Work schedule will be established by department command staff with the goal of providing the most effective availability of canine team and taking into account minimum officer staffing needs.

Canine teams should generally not be assigned to handle matters that will take them out of service for extended periods of time, especially if these matters could be handled by other on-duty personnel. If such assignment is necessary, it should only be made with the approval of the on-duty supervisor.

309.4 CANINE SUPERVISOR

The canine supervisor shall be appointed the Chief of police or designee and directly responsible to the Administration Division Commander.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors. Day-to-day supervision of canine teams assigned to patrol functions is the responsibility of the duty sergeant.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Reviewing handler's records of documented canine activities for accuracy and completeness.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

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(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

(i) Managing the canine unit budget under the direction of the Administration commander

309.5 REQUESTS FOR CANINE TEAMS

St. Louis Park Police Department members are encouraged to request the use of a canine. If an officer requests a canine team from outside of the St. Louis Park Police Department, the on-duty supervisor
shall be notified.

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies may be preliminarily accepted by the canine handler monitoring area radio channels, pending approval the on-duty supervisor. The request for a canine team can come directly from an outside agency per the guidelines in the Outside Agency Assistance Policy. The canine handler also retains the discretion to offer aid to outside agencies that have requested assistance by any canine team and that are a reasonable response distance from St. Louis Park, with approval of the on-duty supervisor. Response to emergency requests for canine assistance can start while the approval process is in progress. The on-duty sergeant, or canine supervisor has the authority to override and cancel any outside assistance from the canine team, including consideration of local agency staffing needs and agency resources. All canine outside agency requests are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with Department Policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that they deem unsuitable.

(c) Requests for calling out off-duty canine teams should be made through the on-duty sergeant.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports as needed or directed.

309.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. Scheduling these shall be done in coordination with the Patrol division commander and include review of the schedule for any operational conflicts. The canine supervisor or their designee 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 supervisor.

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309.6 APPREHENSION GUIDELINES

The below are guidelines for working with canine officer teams from neighboring jurisdictions.

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, 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 officers 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. Officers should always consider and apply less-lethal methods to lawfully control and/or arrest subjects where appropriate.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer without any of the above conditions, shall not serve as the basis for the use of a canine to physically 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 the Duty Sergeant. Absent a change in circumstances that presents an imminent threat to officers, 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.

309.6.1 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 officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers 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, reasonable and in accordance with Minnesota State Statute 609.06 authorizing the use of force. The canine handler shall have the authority to decline the use of the canine whenever he/she deems 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.

309.6.2 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 shall be made by the handler and perimeter officers on the scene, prior to deploying a canine. The handler should allow a reasonable time for a suspect to surrender and should 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. Subsequent warnings should be issued for each floor section of a multi-level building, unless tactically unsound. Training will be provided to officers on the use of canine warnings, both during a search and from perimeter positions.

If a warning is not to be given, the canine handler, when reasonably practicable, should first advise the supervisor of his/her decision before deploying 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.

RECOMMENDED CANINE WARNINGS:

This is the St Louis Park Police Department; we are searching for a suspect and are preparing to use a police canine. For your safety, please go inside your home or business and stay inside until we have completed our search.

To the person or persons who are hiding from the police; YOU ARE UNDER ARREST. Put down all weapons and surrender immediately to the nearest officer with your hands in the air. If you do not comply, a police dog will be used to find you. When the dog finds you, it may bite you.

(Warning reference cards will be produced and kept accessible in police vehicles.)

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in an incident report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a response to resistance report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. Photos of injury sites after

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medical attention has been given should be taken, if feasible. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the duty sergeant and canine supervisor. Unintended bites or injuries caused by a canine should be documented in an incident report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as reasonably practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

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

309.7 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 imminent threat to officers, 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 or their designee should periodically encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should secure the canine as soon as reasonably practicable.

309.7.1 ARTICLE DETECTION

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.

309.7.2 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.

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(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.

309.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers 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, 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.

309.8 HANDLER RESPONSIBILITIES

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 department equipment under their control in a clean and serviceable condition.

(c) When not in service and when feasible, the handler shall maintain the canine vehicle in a locked garage, away from public view. In the event the canine vehicle cannot be parked inside, the vehicle shall be locked at all times.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle may be stored at the St. Louis Park Police Department.

(e) 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 supervisor as soon as possible.

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(f) When off-duty, the canine officers shall maintain a kennel and environment that meets or exceeds the requirements found in department policy, city ordinance and Minnesota State Statutes. The kennel is subject to periodic inspection by designated department personnel.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine 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 supervisor or on-duty sergeant.

309.8.1 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.

(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 canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.9 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the on-duty supervisor or canine supervisor.

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 any established memoranda of understanding or practice established by management

309.10 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 supervisor or Patrol Sergeant as soon as possible and then 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 file.

Recommended emergency vet info: University of Minnesota, 1365 Gortner Ave., St. Paul, MN 55108 | 612-626-8387.

309.11 TRAINING

Before assignment in the field each canine team shall be trained and certified to meet current nationally recognized standards set forth by the United States Police Canine Association (USPCA - Police Dog 1) or other recognized and approved certification standards. 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 current nationally recognized standards set forth by the

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United States Police Canine Association (USPCA) or other recognized and approved certification standards established for their particular skills.

The canine supervisor or his/her designee shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine supervisor or his/her designee should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted in the city and while on-duty unless otherwise approved by the canine supervisor.

309.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard set forth by the United States Police Canine Association (USPCA - Patrol Dog 1 and explosives) or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the St. Louis Park Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.

(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 the Department.

309.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any 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. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.11.3 TRAINING RECORDS

All canine training records shall be maintained in the Department's training software and copies kept with the K9 supervisor.

309.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances for canine training purposes must comply with federal and state requirements. Alternatively, the St. Louis Park Police Department may work with outside trainers with the applicable licenses or permits.

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Domestic Abuse

310.1 POLICY INTRODUCTION

(a) The City of St. Louis Park and its police department recognize domestic abuse as a serious problem in today's society. This agency's policy is to protect victims of domestic abuse by making an arrest whenever it is authorized and by insuring officers have a complete understanding of the domestic abuse statute.

(b) Officers will utilize this policy in response to calls where there may be domestic abuse. This policy prescribes courses of action officers should take in response to domestic calls. This agency will aggressively enforce domestic abuse laws without bias and prejudice based on race, marital status, sexual orientation, social class, political position, professional position, age, disability, gender identity, religion, creed, immigration status, or national origin.

310.2 PURPOSE AND SCOPE

The principal purpose of this policy is to establish guidelines and procedures to be followed by officers when responding to domestic abuse. Additionally, this policy intends to:

(a) Prevent future incidents of domestic abuse by establishing arrest, rather than mediation, as the preferred response to domestic abuse.

(b) Afford maximum protection and support to victims of domestic abuse through a coordinated program of law enforcement, prosecution, and victim assistance.

(c) Ensure that the same law enforcement services are available in domestic abuse cases that are available in other criminal cases.

(d) Reaffirm officers' authority and responsibility to make arrest decisions in accordance with established probable cause standards.

(e) Promote officer safety by ensuring that they are as fully prepared as possible to respond to domestic calls.

(f) Complement and coordinate efforts with the development of domestic abuse prosecution plans, so that law enforcement, prosecution, and advocacy will be more efficient and successful.

(g) Promote law enforcement's accountability to the public in responding to domestic abuse.

(h) Document allegations of domestic abuse so there can be meaningful prosecution and delivery of victim services.

(i) Educate victims to minimize the opportunity of becoming a repeat victim.

310.2.1 DEFINITIONS

Definitions related to this policy include:

(a) **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.

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(b) **Domestic abuse** - Commission of any of the following if committed against a family or household member by another family or household member (Minn. Stat. § 518B.01, Subd. 2):

1. Actual or fear of imminent physical harm, bodily injury, or assault
2. Threats of violence with intent to terrorize as specified by Minn. Stat. § 609.713, Subd.1.
3. Criminal sexual conduct (Minn. Stat. § 609.342 to Minn. Stat. § 609.3451)
4. Interference with an emergency call as specified by Minn. Stat. § 609.78, Subd.2.

(c) **Harassment:** Has the meaning given in section 609.749.

(d) **Violation of a domestic abuse no contact order:** Has the meaning given in section 518B.01, subdivision 22.

(e) **Violation of an order for protection:** Has the meaning given in section 518B.01, subdivision 14.

310.3 POLICY

The St. Louis Park Police Department'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 department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.4 OFFICER RESPONSE, SAFETY, AND ENTRY CONSIDERATIONS

RESPONSE AND SAFETY:

(a) Two officers shall respond to all domestic disturbances. The first officer on the scene should wait for the backup officer to arrive before investigating the complaint.

(b) Dispatch shall obtain as much information as possible from the reporting person and relay this information to the responding officers. Location-related and officer safety alerts associated with the address/persons will also be relayed to officers.

(c) If possible, officers shall remain at the scene until the potential for imminent violence has subsided.

(d) Once the scene is secure officers shall provide assistance, including first aid to the victims.

(e) Officers shall make every effort to put the victim in phone contact with the domestic abuse program provider while at the scene. This includes providing temporary access to a telephone for the victim’s use.

(f) Officers shall complete a Domestic Violence Lethality Screening form when a current or previous intimate relationship is involved and the officer believes an assault has occurred, senses the potential for danger is high and or is responding to a repeat victim, offender or location.

ENTRY:

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(a) **Refused**: If refused entry, the officer should be persistent about seeing and speaking alone with the victim of the call.If access to the victim is still refused, the totality of information known may mandate the use of forced entry.

(b) **Forced Entry**: If access is still refused and the officers have reason to believe that someone is in imminent danger, the officers are permitted to force entry.

(c) **Search Warrant Entry:** If the officers are refused entry and have no legal grounds for forced entry and they have reasonable ground to believe a crime has been committed they should contact the supervisor and request permission to obtain a search warrant

310.5 ON-SCENE INVESTIGATIONS

The following guidelines should be followed by officers 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, officers 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) Officers 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 possible 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.

(f) Officers 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, officers 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.

1. When probable cause exists for a domestic assault arrest and the suspect has not been located, officers shall complete the following steps prior to the end of their shift.

    (a) Document all efforts to locate the suspect, including any teletypes.

    (b) Document descriptions relevant to the suspect, such as physical and clothing descriptions, type of vehicle, possible locations where the suspect may be, etc.

    (c) Document any directed patrol activity at the victim's residence or place of employment.

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(d) Efforts should be made to locate and take the suspect into custody within 72 hours as allowed by statute.

(e) The report must be assigned for follow-up as a priority by the Investigations Supervisor as soon as possible.

1. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
2. When completing an incident or arrest report for violation of a court order, officers 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 officer should attach a copy of the order to the incident or arrest report.
3. Officers 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:

(a) Whether the suspect lives on the premises with the victim.

(b) Claims by the suspect that the victim provoked or perpetuated the violence.

(c) The potential financial or child custody consequences of arrest.

(d) The physical or emotional state of either party.

(e) Use of drugs or alcohol by either party.

(f) Denial that the abuse occurred where evidence indicates otherwise.

(g) A request by the victim not to arrest the suspect.

(h) Location of the incident (public/private).

(i) Speculation that the complainant may not follow through with the prosecution.

(j) Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

(k) The social status, community status, or professional position of the victim or suspect.

310.5.1 ARREST DECISIONS

In addition to the procedures above, officers will also take the following considerations into account when making arrest decisions.

ARREST DECISIONS AND CONSIDERATIONS:

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After securing the scene and providing first aid if needed, the officers will begin a criminal investigation to determine if there is evidence and probable cause to believe that a crime has been committed based on the evidence and not upon the victim's desire to make an arrest. The officers should collect relevant physical evidence, including weapons which may have been used, take photographs of the scene or any injuries, and collect recorded statements from the involved parties and witnesses. Some of the evidence and statements include:

(a) Condition of clothing.

(b) Property damage.

(c) Excited utterances of the victim and suspect.

(d) Demeanor of the victim and the suspect.

(e) Medical records, including the victim's statements to paramedics, nurses, and doctors.

(f) Interviews of witnesses, including any children who may have been present.

(g) Evidence of any prior domestic abuse related convictions (including dates) and any existing orders for protection or no contact orders. The jurisdiction of convictions and orders for protection should also be noted.

Note: When determining probable cause, officers should consider their observations and any statements made by parties involved and any witnesses. Prior convictions may provide the basis for the enhancement to a gross misdemeanor or even felony charges.

FACTORS NOT TO BE CONSIDERED IN MAKING THE ARREST:

Arrests should be made without consideration of:

(a) Ownership, tenancy rights of either party, or the fact the incident occurred in a private place.

(b) Verbal assurances that the abuse will stop.

(c) Disposition of previous police calls involving the same victim or suspect.

(d) Lack of a court order restraining or restricting the suspect.

(e) Concern about reprisals against the victim.

(f) Adverse financial consequences that might result from the arrest.

(g) Promises by the suspect to leave the premises.

310.5.2 IF NO ARREST IS MADE

If no arrest is made, the officer 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).

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(b) Remain at the scene of the disturbance until they believe that the likelihood of further imminent violence has been eliminated.

(c) Document the resolution in a report.

310.5.3 NOTICE TO VICTIMS

Officers shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available.

The notice must include furnishing the victim with a copy of the following statement:

(a) "If you are the victim of domestic violence, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

1. Restraining the abuser from further acts of abuse.
2. Directing the abuser to leave your household.
3. Preventing the abuser from entering your residence, school, business, or place of employment.
4. Awarding you or the other parent custody of, or parenting time with, your minor child or children.
5. Directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

(b) The notice must include the resource listing, including telephone number, for the area domestic abuse program provider.

310.6 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

(a) Victims should be provided with the department's domestic abuse information handout, even if the incident may not rise to the level of a crime.

(b) Victims should be alerted to any available victim advocates, shelters, and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complains of pain, officers should seek medical assistance as soon as practicable.

(e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

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(g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.

310.6.1 STAYING AT THE SCENE, CRIME VICTIM RIGHTS AND SERVICES

If an arrest does not occur officers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated. The domestic abuse program provider will be contacted in situations when arrests are not made.

Note: Minnesota State Statute § 629.342 provides that when an officer does not make an arrest, the peace officer must provide immediate assistance to the victim, including obtaining necessary medical treatment, transport to a safe place, advocacy or community resources, information regarding protection orders from the court, and providing the victim with the notice of rights pursuant to Minnesota State Statute § 629.341, subdivision 3

NOTIFICATION OF DOMESTIC ABUSE PROGRAM PROVIDER:

(a) An officer will notify the domestic abuse program provider at their first opportunity if:

1. An arrest is made for domestic assault or protection order violation,
2. An assault is alleged, but the assailant is gone on arrival or an arrest is not made because probable cause cannot be established,
3. No assault is alleged but the officer believes the complainant may be in fear or has expressed a desire to talk with an advocate.

(b) Information released to the domestic abuse program provider shall be consistent with the requirements of the data practices act.

ASSISTANCE TO NON ENGLISH SPEAKING VICTIMS OR VICTIMS WITH COMMUNICATION DISABILITIES:

Officers should contact interpreters in those cases where the participants in the domestic call, including the witnesses, are non-English speaking, are hearing-impaired, or have other communication disabilities. Officers should avoid the use of friends, family, or neighbors of the victim / suspect serving as the primary interpreter for the investigation.

310.6.2 CHILD VICTIMS

(a) **CHILD VICTIMS:**

1. If a child is present at the scene of a domestic call or is the victim of domestic abuse, officers should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of Minnesota State Statute § 626.556, Reporting of Maltreatment of Minors. Officers shall also attempt to verify whether there has been an order for protection violation. If the child has been physically injured, the officer should make arrangements for treatment at a medical facility.

(b) **CHILD PRESENT AND CARE:**

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1. If the legal parent or guardian of a child can no longer provide care (e.g., when the victim is hospitalized) the officer should consult with the legal guardian on determining the disposition of the child and should make a good faith attempt to follow the request of the legal guardian or parent.
2. If the child's immediate surroundings or conditions endanger the child's health and welfare, the officer may take the child into immediate custody pursuant to Minnesota State Statute § 260C.175, Sub. 1 (2) and Subs. 2-3.

(c) **DOMESTIC ASSAULT CASES INVOLVING CHILDREN:**

1. The following are circumstances when reports must be forwarded to Child Protection:
2. If there is injury to a parent or adult caused by a child, or any other person involved in the domestic dispute within the household, that requires medical attention, whether provided or not.
3. If a dangerous weapon is involved.
4. If a criminal sexual conduct offense or attempt is involved.
5. If a child intervenes or is involved, including reporting or attempting to report the dispute, or when a participant interferes with that attempt.

310.6.3 DOMESTIC VIOLENCE INTERVENTION FOLLOW-UP POLICY

(a) When an officer receives a domestic violence intervention follow up referral, the officer will make contact with the victim on the day it is received and set up a meeting with the victim as soon as possible, preferably within twenty four hours. It is preferable to have the meeting at the victim's home or a place where they are comfortable. Only use the police department as a last resort or if the victim requests that it be held there.

(b) At the meeting the officer will photograph any injuries that have developed over time that resulted from the reported assault. The officer will also note any new injuries that the victim had overlooked when the assault was reported. If any photographs are taken this will be noted in the officer's supplemental report and added to the case file.

(c) The officer will make an assessment to determine whether or not there are any additional charges that could be added. If so, the officer will collect the necessary evidence, including taking photographs and taped statements and note this in their supplemental report.

(d) If the victim was seen by a physician, the officer will complete a Medical Record Release form and have the victim sign it before it is added to the case file.

(e) The officer will go over the personal safety plan packet with the victim and answer any further questions the victim may have.

(f) The officer will complete the “DVI Follow-up Report,” including the victim's contact information section. The form, along with any supplemental reports, will be forwarded to the city attorney and domestic abuse program provider.

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310.7 DISPATCH ASSISTANCE

(a) Receiving the Domestic Call: Upon receiving a domestic call, the dispatcher will assign the call a high priority. The dispatcher will assign at least two officers to a domestic call.

(b) Information to be Obtained: The dispatcher receiving a domestic call should attempt to elicit from the caller, and should communicate to the responding peace officers, as much of the following information as possible.

1. The nature of the incident.
2. The address of the incident, including apartment number, etc.
3. The telephone number(s) where the caller can be reached as well as an alternative telephone number.
4. Whether weapons are involved or present in the dwelling.
5. Whether someone is injured and the nature of the injury.
6. Information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.
7. Relationship between the caller and the suspect.
8. Whether there has been prior abuse or prior calls involving these individuals.
9. Whether there is an order for protection, no contact order, or harassment/ stalking order in effect.
10. Whether children are present at the scene.
11. Whether there are non-English speaking people, people with mobility impairments, or hearing impaired persons.

(c) If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible, tell them that help is on the way, and when the caller can expect the peace officers to arrive. Ongoing information should be provided to responding officers.

(d) If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding peace officers.

(e) If the responding peace officers are some distance away and the dispatcher cannot remain on the telephone with the caller / victim, the dispatcher should attempt to call back periodically to check on the progress of events and call again when the officers arrive at the scene. If the dispatcher finds that a victim / caller who were recently available suddenly cannot be reached by phone or there is a persistent busy signal, the dispatcher shall relay that information to the officer.

(f) The audio recordings from 911 and similar calls will be retained as evidence for court proceedings.

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310.8 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 officers 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.

310.8.1 CANADIAN ORDERS FOR PROTECTION

An order for protection issued by Canada or a Canadian province shall be enforced as if it were the order of a court in this state and afforded the same consideration as foreign court orders with respect to proper issuance and registration (Minn. Stat. § 518F.03).

310.9 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, officers 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.

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

310.10 LEGAL MANDATES AND RELEVANT LAWS

Minnesota law provides for the following:

310.10.1 STANDARDS FOR ARRESTS

Officers investigating a domestic abuse report should consider the following:

(a) An officer 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 14 days, 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).

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(b) Officers 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 officer 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 officer'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) An officer 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 Duty Sergeant 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 in custody whenever the Duty Sergeant 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) Officers 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 officer 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) Following an arrest, an officer should contact the local domestic abuse program by phone as soon as possible and provide the name and address of the victim and a brief factual account of events associated with the action.

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(h) An officer shall arrest and take into custody a person whom the officer has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748, if the officer can verify the existence of the order.

(i) Officers are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of any other 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 officers shall attempt to verify whether there has been a court order issued.

(j) Officers should consider whether other offenses have been committed that may not qualify as a domestic abuse including, but not limited to, burglary, felony assault, other threats of violence, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct, or assault.

310.10.2 REPORTS AND RECORDS

(a) Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):

1. Names, addresses, and 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
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 officer’s decision not to arrest or seek an arrest warrant
12. Evidence of any prior domestic abuse or 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.

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(c) As noted above, If a child was present at the scene of a domestic abuse incident or was the victim of domestic abuse, the officer 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. § 260E.06 et seq.

1. The officer shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201 and 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.

310.10.3 SERVICE OF COURT ORDERS

Officers, 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 and Minn. Stat. § 609.748.

Reasonable efforts shall be made to provide notification to the petitioner of service upon request, as provided in Minn. Stat. § 609.748.

310.10.4 COURT-ORDERED FIREARM SURRENDERS

This department shall accept firearms surrendered by an abusing party or defendant pursuant to a court order as provided in state law (Minn. Stat. § 518B.03).

Firearms will normally be surrendered at the St. Louis Park Police Department; however, when encountering someone in the field who wishes to surrender a firearm, officers should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Property and Evidence Section in accordance with the Property and Evidence Section Policy.

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Search and Seizure

311.1 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 St. Louis Park Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the St. Louis Park Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor and consult with an investigator to resolve questions regarding search and seizure issues prior to electing a course of action.

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311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances reasonably permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

(f) Transgender or non-binary subjects will be asked what gender of officer will perform their search and such a person will be called to the scene if feasible. If the transgender individual does not specify a preference, and officer of the same gender as the transgender individual's gender expression will conduct the search whenever possible.

311.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, transgender, or non-binary, any efforts to summon an officer of the same or preferred sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Adult Abuse

312.1 PURPOSE AND SCOPE

Thepurpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for St. Louis Park Police Department members as required by law (Minn. Stat. § 626.557).

312.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 626.5572):

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

312.2 POLICY

The St. Louis Park Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law. Most of the standards below may be followed in conjunction with an investigator(s) from Hennepin County Adult Protection.

312.3 MANDATORY NOTIFICATION

Members of the St. Louis Park Police Department shall notify the entity responsible for receiving such reports when they have reason to believe that a vulnerable adult is being or has been maltreated, or has sustained a physical injury which is not reasonably explained. Members shall also report suspected negligent care by a service or health care provider that resulted in injury or harm requiring the care of a physician (Minn. Stat. § 626.557).

For purposes of notification, a vulnerable adult is a person age 18 or older who has physical, mental or emotional disabilities that make it difficult for the person to care for or to protect him/herself from maltreatment. (Statutory language: "because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect the individual's self from maltreatment.") It also refers to adults who reside at a facility, or receive care at a facility or through home care (Minn. Stat. § 626.5572).

Maltreatment includes abuse, neglect and financial exploitation. Abuse can be physical, emotional or sexual. Financial exploitation may include any instance where vulnerable adults' money, assets or property are not used for their benefit or are stolen or kept from them (see Minn. Stat. § 626.5572 for full definitions).

312.3.1 NOTIFICATION PROCEDURE

Statutory requirements for mandated reporters: Oral notification should be made as soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557; Minn. Stat. § 626.5572). To the extent possible, the following should be included in the notification:

(a) The identity of the vulnerable adult and any caregiver

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(b) The nature and extent of the suspected maltreatment

(c) Any evidence of previous maltreatment

(d) The name and addresses of the person initiating the report or other witnesses

(e) The time, date, and location of the incident

(f) Any other information that might be helpful in investigating the suspected maltreatment

If notification of maltreatment is first made to the St. Louis Park Police Department, the member receiving the notification shall complete and forward the intake form to the entity responsible for receiving such reports. This accomplishes proper notification from the police department to the adult protection entity that receives reports.

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Minn. Stat. § 626.5571).

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. Investigations should be initiated a soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

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(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

Assigned members shall initiate an investigation of vulnerable adult abuse as soon as possible, but in all cases within 24 hours when there is reason to believe a crime has been committed (Minn. Stat. § 626.557).

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact an appropriate protective services agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to an appropriate protective services agency or medical facility.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the

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victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

312.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

312.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility. This can be done on conjunction with an investigator(s) from Hennepin County Adult Protection.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

312.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the applicable adult protective services agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

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(b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

312.9.2 DRUG ENDANGERED VICTIM CHECKLIST

Prior to an enforcement action, identify potential drug endangered victim. Collaborate with Adult/ Child Protection and any established multidisciplinary response team (MRT).

On scene, if a drug endangered victim is present:

- Document victim name, DOB, address, special considerations; name of parent/ caretaker/ guardian and telephone number.
- Coordinate with victim advocate and medical and/or public health professional. Determine responsibility for urine evidence collection.
- Photograph victim.
- Document physical condition of victim.
- Measure height and reach of the victim to location of the drug(s), weapon(s), hazard(s), and/or pornography, taking limited mobility factors into account.
- If clandestine lab investigation, ensure on-site or off-site decontamination.
- Interview victim as witness; if necessary, utilize child forensic interviewer.
- Document and photograph inside and outside of residence, living conditions, cleanliness of home, functioning utilities, available food, etc.
- Collect physical evidence.
- Determine and report care and custody of victim for prior 72 hours.
- Run criminal history of culpable & non-culpable individual(s).
- If victim is not present, but there is evidence of their presence, document as previously detailed and coordinate with Child/Adult Protection to implement a plan to locate and ensure safety of victim.
- Coordinate with mental health professionals.
- Notify prosecutor. Provide copies of photographs and reports.
- Complete reports as directed by this agency.
- Refer to your local Victim-Witness Coordinator, Child/Adult Protection, and/or MRT, as required.

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312.9.3 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division supervisor so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

312.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

(a) Providing a copy of the adult abuse report to the applicable entity in the county responsible for receiving such reports as required by law.

(b) Retaining the original adult abuse report with the initial case file.

312.10.2 RELEASE OF REPORTS

Informationrelated to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 626.557).

312.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when St. Louis Park Police Department members are required to notify the county social services agency of suspected child abuse.

313.1.1 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 (also known as maltreatment of minors) - 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. § 260E.03; Minn. Stat. § 260E.06).

313.2 POLICY

The St. Louis Park Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the St. Louis Park Police Department 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. § 260E.06):

(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, 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. § 260E.03, subd. 15; Minn. Stat. § 260E.31).

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. § 260E.12).

For purposes of notification, physical abuse includes injuries, mental injuries, or injuries that cannot be reasonably explained (e.g., punching, kicking, burning). Sexual abuse includes criminal

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sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary clothing, shelter, or medical care. See Minn. Stat. § 260E.03 for full definitions of physical abuse, sexual abuse, and neglect.

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Minn. Stat. § 260E.09):

(a) The member tasked with the investigation shall contact the county social services agency and report the alleged abuse as soon as possible but always within 24 hours, but always by the next business day after being assigned the case. 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.

(e) When the child abuse occurred at a facility or by a person from a facility that requires a state license or a profession that requires a state license (e.g., foster homes, group homes, day care, educator), notification shall also be made to the agency responsible for licensing the facility or person (Minn. Stat. § 260E.11).

313.3.2 DISCIPLINARY ACTION MANDATORY IN CASES OF FAILURE TO REPORT

Minnesota State Statute § 260E.12, Subdivision 3(b) requires that law enforcement agencies impose disciplinary action against an officer required to forward reports of neglect or physical or sexual abuse to the county social services agency that fails to do so. Any written reports of neglect, physical or sexual abuse received by this department shall be forwarded immediately to the county social services agency.

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313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews (or arrange for them to be conducted) 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.

313.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers 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 officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she 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.

(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.

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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).

313.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county social services agency. Generally, removal of a child from his/her 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 department should remove a child from his/her 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 officer 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 officer shall ensure that the child is delivered to the county social services agency.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers 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).

313.6.1 NOTICE TO PARENT OR CUSTODIAN AND CHILD

Whenever an officer takes a child into protective custody, the officer shall notify the parent or custodian and the child (age 10 years or older) that they may request that the child be placed with a relative instead of in a shelter care facility. The officer 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. When placement with a relative is requested, the officer will coordinate with the responsible social services agency to ensure the child's safety and well-being in compliance with Minn. Stat. § 260C.181 (Minn. Stat. § 260C.175).

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 officer has reason to believe the parent or custodian is not able to read

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and understand English, the officer must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

313.6.2 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).

313.7 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer 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, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

313.8 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.

313.8.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division 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 an officer notifies the Investigations Division supervisor that the officer 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 officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

313.8.2 DRUG ENDANGERED VICTIM CHECKLIST

Prior to an enforcement action, identify potential drug endangered victim. Collaborate with Adult/ Child Protection and any established multidisciplinary response team (MRT).

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On scene, if a drug endangered victim is present:

- Document victim name, DOB, address, special considerations; name of parent/ caretaker/ guardian and telephone number.
- Coordinate with victim advocate and medical and/or public health professional. Determine responsibility for urine evidence collection.
- Photograph victim.
- Document physical condition of victim.
- Measure height and reach of the victim to location of the drug(s), weapon(s), hazard(s), and/or pornography, taking limited mobility factors into account.
- If clandestine lab investigation, ensure on-site or off-site decontamination.
- Interview victim as witness; if necessary, utilize child forensic interviewer.
- Document and photograph inside and outside of residence, living conditions, cleanliness of home, functioning utilities, available food, etc.
- Collect physical evidence.
- Determine and report care and custody of victim for prior 72 hours.
- Run criminal history of culpable & non-culpable individual(s).
- If victim is not present, but there is evidence of their presence, document as previously detailed and coordinate with Child/Adult Protection to implement a plan to locate and ensure safety of victim.
- Coordinate with mental health professionals.
- Notify prosecutor. Provide copies of photographs and reports.
- Complete reports as directed by this agency.
- Refer to your local Victim-Witness Coordinator, Child/Adult Protection, and/or MRT, as required.

313.8.3 OFFICER RESPONSIBILITIES

Officers 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 Investigations Division supervisor so an interagency response can begin.

313.8.4 SCHOOL NOTIFICATION

If a juvenile is taken into protective custody after being found in an area where methamphetamine was being manufactured or attempted to be manufactured, or where any chemical substances, paraphernalia or waste products related to methamphetamine are stored, the officer who took the

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juvenile into custody shall notify the chief administrative officer of the juvenile's school (Minn. Stat. § 260C.171, Subd. 6).

313.9 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

313.9.1 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 Maintenance and Release Policy (Minn. Stat. § 260E.35).

313.9.2 MULTIDISCIPLINARY INVESTIGATIVE TEAMS

Child mortality review panels, local review teams, and the commissioner of children, youth, and families shall have access to not public data regarding the death or near death of a child. This department shall cooperate fully with any such team and investigation (Minn. Stat. § 260E.39, Subd. 5).

313.9.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating officer 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 officer shall prepare a report separate from the social services agency (Minn. Stat. § 260E.12; Minn. Stat. § 260E.14, Subd. 5).

Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an investigation or a family assessment under Chapter 260E (Minn. Stat. § 243.166; Minn. Stat. § 260E.03).

313.9.4 NOTIFICATION PROCESS

The Patrol Supervisor 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. § 260E.01 et seq.).

313.9.5 COURT-ORDERED FIREARM SURRENDERS

This department shall accept firearms surrendered by an abusing party or defendant pursuant to a court order as provided in state law (Minn. Stat. § 518B.03).

Firearms will normally be surrendered at the St. Louis Park Police Department; however, when encountering someone in the field who wishes to surrender a firearm, officers should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Property and Evidence Section in accordance with the Property and Evidence Section Policy.

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313.10 TRAINING

The Training Section, working with the Investigations Division supervisors, should identify and 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.

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Missing Persons

314.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Endangered - A person the Department 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 for 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 such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.

(f) The person does not have a pattern of running away or disappearing.

(g) The person is mentally impaired.

(h) The person has been diagnosed with dementia, a traumatic brain injury, Alzheimer's disease, or other cognitive impairments.

(i) The person has been diagnosed with autism.

(j) There is evidence that a non-custodial parent may have abducted the person.

(k) The person has been the subject of past threats or acts of violence.

(l) There is evidence that the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.

(m) Any other factor the Department 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.

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 enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the National Center for Missing and Exploited Children (NCMEC), the

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Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

314.2 POLICY

The St. Louis Park Police Department 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. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

314.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The supervisor shall ensure the following forms and kits are developed and available, including through a partner agency:

- Medical records release form
- Biological sample collection kits

314.4 ACCEPTANCE OF REPORTS

Any member 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 members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member 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 (Minn. Stat. § 299C.53, Subd.1(a)).

314.5 INITIAL INVESTIGATION

Officers or other members 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 party 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.

(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.

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(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) Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under 18 years of age or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.

(h) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.

(i) Ensure that entries are made into the appropriate missing person networks:

1. Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(j) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.

(k) Collect and/or review:

1. A photograph and 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 phone numbers, cell phones, computers).

(l) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(m) 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 member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(n) Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:

1. The primary agency has limited resources.
2. The investigation crosses jurisdictional lines.
3. Jurisdictions have pre-established task forces or investigative teams.

(o) Assign an investigator as a family liaison and primary point of contact for the family and create a communication plan for keeping the family updated.

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(p) Provide general information to the family, reporting party, or designee about the investigation; only to the extent that disclosure would not adversely affect locating and protecting the missing person, apprehending a suspect, and future prosecution.

314.5.1 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 coordinator, communication officer and support unit coordinator. Consider appointing two liaison officers (one at the command post and one at the crime scene). The role of the liaison at the victim's residence 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.

(b) Setting up a tip line (phone line, website, app, etc.) for developing and investigating leads.

(c) Attempting to determine the missing person's location through GPS-enabled devices and any social media accounts they may have.

(d) Establishing a geo-fence at any potential last known time and location points or crime scene to identify any devices that were in that geographic area during that time.

(e) Identifying, securing, and collecting all home, business, or public surveillance video from last known location and crime scene sites.

(f) Compiling a list of known sex offenders in the region.

(g) In cases of infant abduction, investigating claims of home births made in the area.

(h) In cases involving children, obtaining child protective agency records for reports of child abuse.

(i) 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.

(j) Obtaining the missing person's medical and dental records, fingerprints, and a biological sample when practicable or within 30 days.

(k) 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.

(l) Interviewing delivery personnel, utility company employees, taxi drivers, post office personnel, sanitation workers, etc.

(m) 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 (e.g., search and rescue).
2. Interpretive resources.

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3. Telephone services, such as traps, traces, and triangulation.
4. Media assistance from local and national sources.

(n) Using secure electronic communication information, such as the missing person's cellular telephone number, email address, and information from social networking sites.

(o) Seeking assistance from the Missing and Murdered Black Women and Girls Office, Missing and Murdered Indigenous Relatives Office, or other state agencies, and culturally based community organizations, as applicable.

314.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

314.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.
1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

314.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person’s residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person’s intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigations Division.

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(e) Coordinating with the NCIC Terminal Contractor for Minnesota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

314.7 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the 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 recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and 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 MNJIS, the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(h) Should 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.

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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 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 timeline 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 state and local child welfare systems and the NCMEC if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(j) Should make appropriate inquiry with the Medical Examiner.

(k) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(l) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. § 299C.54), and enter the photograph into applicable missing person networks (34 USC § 41308).

(m) In the case of an endangered missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

314.8 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 Records Supervisor 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.

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(c) Entries are made in the applicable missing person networks (Minn. Stat. § 299C.53, Subd. 2).

(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.

314.8.1 PERSONS FOUND ALIVE

Additional responsibilities related to missing persons who are found alive include:

(a) Verifying that the located person is the reported missing person.

(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 or reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family or reporting party may be given this information.

(e) Considering the need for reunification assistance, intervention, counseling or other services for either the missing person or family or reporting party.

(f) Performing a constructive post-case critique. Reassessing the procedures used and updating the department policy and procedures as appropriate.

314.8.2 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

314.8.3 DECEASED PERSONS

If a deceased person has been identified as a missing person, the Investigations Division 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 department 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.

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(d) Consider the need for intervention, counseling, or other services for the family or 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 department policy and procedures as appropriate.

314.9 CASE CLOSURE

The Investigations 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 St. Louis Park or this department 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 department 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.

314.10 TRAINING

Officers should receive training related to this policy as part of initial or field training, and following any substantive updates to policy or procedure.

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Video Recorders (MVR)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).

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(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., internet use, cell phone use).

(n) Media relations.

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Public Alerts

315.1 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.

315.2 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.

315.3 RESPONSIBILITIES

315.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the St. Louis Park Police Department should notify their supervisor, Duty Sergeant or Investigations Division Supervisor 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.

315.3.2 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 Chief of Police, the appropriate Division Commander and the Communications and Marketing Manager when any public alert is generated.

The supervisor 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

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

315.4 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).

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315.4.1 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.

The criteria for issuance of an Amber Alert are as follows:

(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 requested if there is no information to distribute.

315.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, Dispatch personnel shall enter the child's name and other critical data into the National Crime Information Center (NCIC), with appropriate flags.

If the AMBER Alert criteria is met, the supervisor, Duty Sergeant or Investigations Division supervisor will notify the Operations Center at the BCA. The BCA will determine whether an AMBER Alert will be issued and, if so, will activate the Minnesota Emergency Alert System (EAS) through the Minnesota Department of Public Safety (DPS) Division of Homeland Security and Emergency Management (HSEM).

BCA will manage press notifications through the EAS.

As additional information becomes available, the BCA shall be apprised and they will disseminate the information, as appropriate.

When the child is found, or the alert should be canceled for other reasons, the Investigations Division supervisor shall immediately notify BCA with the pertinent information.

315.5 MINNESOTA CRIME ALERT NETWORK (MCAN)

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, the supervisor shall issue a missing person alert through MCAN to notify the public and request information on the case (Minn. Stat. § 299C.53). Law enforcement agencies, businesses, schools, and community members participate in the network.

315.5.1 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.

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315.5.2 PROCEDURE

If a supervisor determines that an MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information (Minn. Stat. § 299C.53).

The Communications and Marketing Manageror Watch Commander should prepare a press release that includes all available information that might strengthen the assistance by the public or other law enforcement agencies. It should be updated with additional information as it becomes available and useful. All media releases should be coordinated with the BCA. In the event of a confirmed child abduction, whether or not an AMBER Alert or MCAN alert is activated, procedures designed to inform the media should be followed. Initial information to release may include but is not limited to:

(a) The nature of the crime that has occurred.

(b) The victim's identity, age, and description, if relevant.

(c) Photograph if available.

(d) The suspect's identity, age, and description, if known.

(e) Pertinent vehicle description.

(f) Detail regarding location of incident, direction of travel, and potential destinations, if known.

(g) Whether there is reason to believe the suspect has a relationship to the victim.

(h) Name and phone number of the Communications and Marketing Manager or other authorized individual to handle media liaison.

(i) A telephone number for the public to call with leads or information.

As additional information pertinent to the case becomes available, it shall be forwarded to the BCA.

315.6 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer.

315.6.1 CRITERIA

The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

(a) A law enforcement officer has been killed, seriously injured or is missing while in the line of duty under circumstances evidencing concern for the officer’s safety.

(b) The investigating law enforcement agency has determined that:

1. The suspect poses a serious risk to the public or other law enforcement personnel.

2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

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(c) A description of the offender, the offender's vehicle (including license plate or partial license plate) is available for broadcast.

315.6.2 PROCEDURE

The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.

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Discriminatory Harassment

316.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

316.2 POLICY

The St. Louis Park Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate, discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

316.3 DEFINITIONS

Definitions related to this policy include:

316.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

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

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316.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

316.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, written/electronic message, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

See also City of St. Louis Park Personnel Manual Section 16.6.

316.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Minnesota Department of Human Rights.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

316.4 RESPONSIBILITIES

This policy applies to all department personnel, including volunteers and part-time/temporary employees. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members should promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Director, or the City Manager.

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Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, should promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

316.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Director, or the City Manager for further information, direction, or clarification.

316.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

316.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

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316.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

316.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

316.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted. City Human Resources staff will coordinate investigations of violations of this policy, unless otherwise designated by the Chief of Police, Human Resources Director, or City Manager.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Director or the City Manager.

316.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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316.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms or electronic systems, and in a manner designated by the Chief of Police. The outcome of all reports shall be:

(a) Approved by the Chief of Police, the City Manager, or the Human Resources Director, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

316.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

316.7 TRAINING

All new members shall be directed to carefully review this policy as part of their orientation, and direct any questions about it promptly to their supervisor. The member shall certify that they have been advised of this policy, they are aware of and understand its contents, and they agree to abide by its provisions during the member's term with the Department, by acknowledging this policy in the online policy management system.

All members shall receive annual training on the requirements of this policy, the above-referenced City personnel policy, and upon completion of the training, shall certify they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Victim and Witness Assistance

317.1 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.

317.2 POLICY

The St. Louis Park Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the St. Louis Park Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIM LIAISON

The Chief of Police should appoint a member of the Department 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 St. Louis Park Police Department 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. Unless otherwise specified, the responsible person will be the Investigations Division commander and/or Sergeant(s).

317.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall assist the Minnesota Crime Victims Reimbursement Board in performing its duties and ensure that the Records Section forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171 or Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

The crime victim liaison will also (Minn. Stat. § 611A.27):

(a) Serve for a sexual assault victim or a sexual assault victim's written designee as the liaison between the St. Louis Park Police Department and a forensic laboratory.

(b) Facilitate requests for information made by a sexual assault victim or written designee.

(c) Provide an appropriate response to a victim's request for investigative data within 30 days.

(d) Develop a procedure allowing a sexual assault victim to request that the sexual assault examination kit be submitted to a forensic laboratory if the victim had not previously authorized such submission.

The crime victim liaison or the authorized designee, in consultation with the Investigation Division Division Commander, should establish procedures for receiving requests for assistance in applying for U visa or T visa status, and make those procedures available to victims. The procedures should provide for responses to these requests to be made in compliance with

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applicable law and as set forth in the Immigration Violations Policy and applicable law (Minn. Stat. § 611A.95).

317.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers 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. Officers 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 department material or available victim resources.

317.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims, including domestic abuse and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(c) 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.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) 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.

(g) Notice regarding U visa and T visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer'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 (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
4. Victim and specific domestic abuse victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)

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(k) A notice that a decision to arrest is the officer's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

(l) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reimbursement (Minn. Stat. § 611A.66).

(m) Information and resources specific to homicide victims, including the required information on specified rights/procedures (Minn. Stat § 611A.02).

317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate or Bias Crimes

318.1 PURPOSE AND SCOPE

The St. Louis Park Police Department 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 department 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 department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 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).

318.2 DEFINITIONS

Hate or Bias 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, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

The terms "Prejudice Crime," "Crime Motivated by Bias," and "Bias Crime" are interchangeable in this policy and are understood to have the same meaning.

318.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

(a) Officers 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.

(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.

318.4 PROCEDURE FOR INVESTIGATING HATE OR BIAS CRIMES

Whenever any member of this department receives a report of a suspected hate or bias crime or other activity that reasonably appears to involve a potential hate or bias crime, the following should occur:

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(a) Officers 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 officers 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 officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or bias crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate or bias crime in the relevant reports. All related reports will be clearly marked as "Hate or Bias Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers will provide the victims of any suspected hate or prejudice crime with the brochure on hate and prejudice crimes authorized by the Department. Such brochures will also be available to members of the public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned officers 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, prosecuting attorney or City Attorney.

318.5 INVESTIGATIONS DIVISION RESPONSIBILITIES

If a case is assigned to the Investigations Division, the assigned investigator will be responsible for following up on the reported hate or bias crime as follows:

(a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintaining contact with the victims 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.

318.5.1 STATE HATE CRIME REPORTING

This department shall report hate or bias 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 the Records Supervisor or assigned to the Records Section. (Minn. Stat. § 626.5531, Subd. 2).

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Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

(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 officer'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.

318.5.2 FEDERAL HATE CRIME REPORTING

The Records Supervisor 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 Records Section procedures and in compliance with (28 USC § 534(a)).

318.5.3 OTHER REPORTING

A summary of hate crimes or crimes motivated by bias may be provided monthly to the Chairpersons of the City Human Rights and Police Advisory Commissions. This is generally done by the Investigations Lieutenant in a commission meeting or by email to the assigned staff liaison for the commission.

318.6 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd. 1 and Subd. 4).

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Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the St. Louis Park Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

319.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS

The St. Louis Park Police Department adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this department.

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law.

The Department shall report to POST any data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

319.2 POLICY

The continued employment or appointment of every member of the St. Louis Park Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or

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shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department 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 lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful 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.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Minnesota constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Violations of federal or state law, ordinances, rules, codes of conduct, or department policies may constitute unprofessional conduct and result in discipline.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

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319.4.1 AVAILABILITY AND CONTACT INFO.

Members must be available by telephone and list the member's phone number(s) with the department. Members shall not use telephone answering equipment or services for the purpose of avoiding lawful inquiry or notification from a supervisor of the department.

Members shall immediately notify the Chief of Police via the Records Supervisor of any change of address or phone number, or any discontinuance of telephone service.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient department service.

319.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

319.5.2 ETHICS

(a) Using or disclosing one's status as a member of the St. Louis Park Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.

(c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts, or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel, or services.

(g) Cheating or attempting to subvert any POST examination or licensing process.

(h) Any other failure to abide by the standards of ethical conduct.

(i) Being the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse licensing or certification action in another jurisdiction.

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319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.

(f) Supporting or participating in the activities of a hate or extremist group (Minn. Stat. § 626.8436).

319.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared and equipped to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

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(c) The use or duplication of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

319.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department promptly of any change in residence address or contact numbers.

(f) Failure to notify the Human Resources Division of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

319.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

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(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

319.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while onduty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

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(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on or offduty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

319.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the St. Louis Park Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Cybersecurity incident - An action taken through the use of an information system or network that results in an actual or potentially adverse effect on an information system, network, or the information within (Minn. Stat. § 16E.36, Subd. 1).

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, **permanent file**, or **file** - 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, messages, photographs, or videos.

320.2 POLICY

It is the policy of the St. Louis Park Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

320.3 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Duty Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

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320.3.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments, if deemed necessary.

320.3.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.3.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

320.3.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This

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includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.4 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

320.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

320.5.1 SECURITY AND PASSWORD AUDITS

At least annually or in compliance with state and federal requirements, the Records Supervisor or the authorized designee shall conduct:

(a) A security audit of the St. Louis Park Police Department central records system, including verification of active members and that assigned accessibility rights are correct.

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(b) A password audit of all shared databases.

320.6 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department 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 Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

320.7 CITY PERSONNEL MANUAL, SECTION 17: TECHNOLOGY

Members will also refer to and follow all parts of the City Personnel Manual, Section 17: Technology.

Reasonable Personal Use, 17.10: The city provides copiers, fax machines, telephones, cellular devices, radios, computers, networks, printers, internet access, web access, and other city equipment primarily for city business-related purposes. Limited and reasonable use of these tools for occasional employee personal use that does not result in any additional material cost or loss of time or resources regarding their intended business purpose is permitted. Such use is permitted before and after work and during break periods, as well as incidental and emergency use during work. Any other extended personal use is not permitted.

320.8 CYBERSECURITY INCIDENTS

The Chief of Police or the authorized designee shall report any cybersecurity incident that impacts the Department to the Minnesota Bureau of Criminal Apprehension within 72 hours after an incident has been identified (Minn. Stat. § 16E.36, Subd. 2).

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Report Preparation

321.1 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.

321.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficient for their purpose and 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.

Handwritten forms, if any, must be prepared legibly. If the form is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the form.

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.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY

When a member 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 member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) All incidents involving violations of crimes or ordinances motivated by bias (Minn. Stat. § 626.5531)

(d) Non-felony incidents involving threats or stalking behavior

(e) Situations covered by separate policy. These include:

    (a) Use of Force Policy

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(b) Domestic Abuse Policy

(c) Child Abuse Policy

(d) Adult Abuse Policy

(e) Hate or Bias Crimes Policy

(f) Suspicious Activity Reports Policy

(f) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative documentation method (e.g., dispatch log).

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (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 (Unless the found property has no monetary value, there is no chance its owner could be identified, and it is informally documented in CAD/dispatch notes.)

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collisions 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) Industrial accidents

(l) Incidents occurring at liquor establishments

321.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

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321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department 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 he/she deems necessary.

321.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety.

(c) Misdemeanor vandalism

(d) Thefts from vehicles

(e) Stolen vehicle attempts

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

321.3 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. Generally, all reports should be completed during the employee's shift on the day received, unless a delay until the next shift is document by the officer and authorized by a supervisor.

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the employee and request correction, 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.

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321.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor, reviewed by Investigations supervisors, and submitted to the Records Section shall not be modified or altered except by way of a supplemental report without the documented approval of a supervisor

321.6 FIREARM INJURY REPORTING FROM HEALTH PROFESSIONALS

Members receiving a report from a health professional of a bullet or gunshot wound, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall thoroughly investigate the facts surrounding the incident (Minn. Stat. § 626.52, Subd. 2; Minn. Stat. § 626.553, Subd. 1).

The Records Section shall ensure that the report received from the health professional is forwarded to the commissioner of the Department of Health (Minn. Stat. § 626.53, Subd. 2). If the injury resulted from a hunting incident, the Records Section shall ensure that the findings of the investigation are forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).

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Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations where the Chief of Police has given prior approval, Division Lieutenants, Duty Sergeants and designated Communications and Marketing Manager(s) may prepare and release information to the media in accordance with this policy and the applicable law.

322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the Chief of Police or authorized designee. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from the Chief of Police or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

322.3 MEDIA ACCESS

Authorized members of the media shall be provided reasonable 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 that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Communications and Marketing Manager or other designated spokesperson.

(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

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(d) Media interviews with individuals who are in custody shall not be permitted. Exceptions are only permitted with the approval of the Chief of Police 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 at the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Communications and Marketing Manager.

322.3.1 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 Duty Sergeant. 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).

322.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers 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 Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police 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.

322.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a listing of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records Section supervisor, with approval from the Chief of Police. This listing will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82):

(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 department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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(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.

Any requests for copies of related reports or additional information not contained in this listing shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Duty Sergeant. Such requests will generally be processed in accordance with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.03).

322.4.1 STATE RESTRICTED INFORMATION

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 department (see the Records Maintenance and Release Policy and the Personnel Records Policy). When in doubt, authorized and available legal counsel should be obtained.

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Court Appearance and Subpoenas

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the St. Louis Park Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

323.2 POLICY

St. Louis Park Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

323.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so (Minn. R. Civ. P.45.02; Minn. R. Crim. P. 22.03).

A court notice from a prosecutor or other government attorney may be served by delivery to the member's email, work station or mail box. Members shall check for delivery of such documents during each shift worked. Notices for court appearances from the city or county attorney will generally be sent as an electronic calendar invitation with notification by email.

Subpoenas shall not be accepted in a civil action in which the member or Department is not a party without properly tendered fees pursuant to applicable law (Minn. Stat. § 357.23; Minn. R. Civ. P. 45.03). See also 323.3.2, below.

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is contacted about testifying, or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the St. Louis Park Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the St. Louis Park Police Department.

The supervisor will then notify the Chief of Police or designee and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police or designee should determine if additional legal support is necessary.

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No member shall be retaliated against for testifying in any matter.

323.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, in accordance with any collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

The Administrative Lieutenant (or the Records Supervisor in their absence) will review all civil subpoenas or requests for such. Officers who are personally contacted by a law firm or civil process server, should not make arrangements to accept civil subpoenas on their own. Doing so can complicate the court scheduling process and the ability for the City to seek reimbursement. Members may return the call if a message was left and then provide the Administrative Lieutenant's contact information, who will contact the law firm associated to the subpoena or request for officer testimony in any civil case, and arrange for reimbursement. This may also be done by a designee. Records staff will notify officers through the current court notification process that a subpoena has been received and what the requirements are for the officer's response to it.

Records staff receiving a civil subpoena service request at the front counter will make a note of the contact information of the requesting law firm and the case number that the subpoena is in reference to and email that information to the Administrative Lieutenant, along with a copy of the report. Requesting persons will be contacted, at the latest, the next business day. During any extended absence of the Administrative Lieutenant a command staff designee will be named.

323.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

323.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached, if necessary. Calls regarding standby will generally by made to the member's Department-issued mobile phone. Members are required to remain on standby until released by the court or the party that issued the subpoena.

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323.6 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Officers appearing in court shall wear a long sleeve uniform shirt as part of the Class B uniform. An exterior vest carrier may be worn by officers appearing in court with the Class B uniform. The Class A uniform may also be worn. Business/professional attire is also approved. (See also the Personal Appearance Policy.)

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall thoroughly review a copy of relevant reports and become familiar with the content in order to be prepared for court.

323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement .

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Outside Agency Assistance

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

324.2 POLICY

It is the policy of the St. Louis Park Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

324.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Duty Sergeant for 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. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Duty Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable and request authorization.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

324.3.1 AGREEMENTS

The Department may, at the discretion of the Chief of Police, establish an agreement with another law enforcement 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 department peace officers with peace officers of another agency on a temporary basis.

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324.3.2 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the St. Louis Park Police Department shall notify his/her supervisor or the Duty Sergeant and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions. A department report about the activities will be written unless an order of the Chief of Police or designee prevents this.

324.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

324.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities shall be documented in a general case report or as directed by the Duty Sergeant.

324.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and all supervisors to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received any required training related to shared supplies and equipment.

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Registered Predatory Offender

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the St. Louis Park Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

325.2 POLICY

It is the policy of the St. Louis Park Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

The Investigations Division 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 should conduct the registration in order to best evaluate any threat the person may pose to the community. Those 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 business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business 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.

325.3.1 NOTIFICATION TO REGISTRANTS

The registration process established by the Investigations Division supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

325.3.2 REGISTRATION PROCESS

When an offender arrives to register with this department, the assigned investigator should:

(a) Determine in what state the offense was committed and whether the individual has previously registered elsewhere.

(b) Verify the individual is at the correct registration location.

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(c) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA's Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.

(d) If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.

(e) If the offender is already registered, complete a Change of Information Form (available on the BCA's secure website).

(f) If the offender is not registered, complete a POR Form (available at BCA's secure website).

(g) If the offender is from another state, contact the state (information for each state is listed on the BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

1. Documents obtained should be submitted to the BCA with a registration form.
2. The BCA will determine if registration is required and inform the department and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

325.3.3 GUIDELINES AND FORMS

The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

325.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Division supervisor should establish a system to periodically, and at least four times annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Visits to the registrant's permanent address, if practicable.

(b) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(c) Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.

(d) Contact with a registrant's parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

The Investigations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to St. Louis Park Police Department personnel who have a need to know, including timely updates regarding new or relocated registrants.

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325.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not make a public notification advising the community of a particular registrant's presence in the community without permission from the Chief of Police. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

The Records Supervisor and/or Investigations Division leadership, in conjunction with the Communications and Marketing Manager, shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

325.5.1 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4):

(a) Mandatory disclosure:

1. Victims who have requested disclosure
2. Adult members of the offender's immediate household

(b) Discretionary disclosure:

1. Other witnesses or victims
2. Other law enforcement agencies

325.5.1 MANDATORY DISSEMINATION

The Department shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender’s status of a Level 1, 2, or 3.

The Department 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, home care provider, or hospice provider of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving care shall be made by this department (Minn. Stat. § 244.052, Subd. 4c).

The Department shall provide an offender’s change of status to the entities and individuals who were initially notified if the Department becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

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325.5.2 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 (Minn. Stat. § 244.052, Subd. 4):

(a) In addition to Level 1 disclosure, the Department 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 the DOC or the Minnesota Department of Human Services (DHS), or Direct Care and Treatment.

325.5.3 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 (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota” or other DOC guidance):

(a) The Department shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.

(b) The Department 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 a confirmed address from the DOC.

(d) The process of notification is determined by this department. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

(e) Community Notification:

1. In determining the establishments and organizations who will be given the fact sheet under this provision, the agency may consider the offender's prior history, offense characteristics, employment, recreational, social, and religious interests, and the characteristics of the likely victims.
    (a) This agency will consult with other agencies with jurisdiction over which the offender is likely to be encountered.
    (b) In cases where the school district may be involved, this agency will give written notification to the superintendent of schools or his / her designee.

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(f) Re-notification: This agency shall periodically review all community notification files to determine if re-notification is appropriate. This shall also occur in cases of reclassification by the Department of Corrections.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the department's determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

325.5.4 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility, home care provider, or hospice provider in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b):

(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

325.5.5 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

(a) If this department learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Department must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this department whether to proceed with community notification in accordance with the level assigned by the other state.

(b) If the DOC determines that the governing law in the other state is not comparable, community notification by this department may be made consistent with that authorized for risk Level 2.

(c) If this department believes that a risk level assessment is needed, the Department may request an end-of-confinement review. The Department shall provide to the DOC the necessary documents required to assess a person for a risk level.

325.5.6 VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed in, or is regularly found in this jurisdiction, the Department shall provide victims who have requested notification with data that is relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this department when there is a victim who has requested notification.

It may be appropriate for members of the Department to directly contact the victim. 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.

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325.5.7 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, unless an alternative reporting procedure is approved by the Investigations Division supervisor (Minn. Stat. § 243.166, Subd. 3a).

325.5.8 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).

A list of all offenders within the jurisdiction will not routinely be released. Only a Level III offender list will be made available upon request. All such releases shall be approved by the chief of police or his / her designee prior to dissemination.

325.6 DISCLOSURE TO LOCAL WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

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Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

326.2 POLICY

The St. Louis Park Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and members of the command staff. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides.
- Traffic collisions with fatalities or serious injuries.
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shootings and Deaths Policy/Critical Incident Policy for special notifications).
- Significant injury or death to an employee, whether on- or off-duty.
- Death of a prominent St. Louis Park official.
- Arrest of Department employee or prominent St. Louis Park official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Any other incident, which has or is likely to attract significant media attention.

326.4 DUTY SERGEANT RESPONSIBILITIES

The Duty Sergeant is responsible for making the appropriate notifications. The Duty Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Duty Sergeant shall attempt to make the notifications as soon as practicable. Notification should be made by contacting the Watch Commander on duty for the week and by emailing relevant information to the command staff.

326.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification, the Chief of Police shall be notified along with the affected division commander(s).

326.4.2 COMMUNICATIONS AND MARKETING MANAGER (PIO)

The Communications and Marketing Manager shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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Death Investigation

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

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 and the use of appropriate resources and evidence gathering techniques is critical.

327.2 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., body temperature, no respiration, or extreme conditions such as decapitated or obviously decomposed). A supervisor shall be notified in all death investigations.

327.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including, but not limited to (Minn. Stat. § 390.11):

(a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.

(b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.

(c) Unexplained or unexpected perinatal and postpartum maternal deaths.

(d) Deaths under suspicious, unusual or unexpected circumstances.

(e) Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.

(f) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.

(g) Deaths that occur during, in association with or as the result of diagnostic, therapeutic or anesthetic procedures.

(h) Deaths due to culpable neglect.

(i) Stillbirths of 20 weeks or longer gestation unattended by a physician.

(j) Sudden deaths of persons not affected by recognizable disease.

(k) Unexpected deaths of persons notwithstanding a history of underlying disease.

(l) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.

(m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.

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(n) Deaths of persons not seen by their physician within 120 days of demise.

(o) Deaths of persons occurring in an emergency department.

(p) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is a history or evidence of maternal trauma.

(q) Unexpected deaths of children.

(r) Solid organ donors.

(s) Unidentified bodies.

(t) Skeletonized remains.

(u) Unexpected deaths occurring within 24 hours of arrival at a health care facility.

(v) Deaths associated with the decedent's employment.

(w) Deaths of non-registered hospice patients or patients in non-licensed hospice programs.

(x) Deaths attributable to acts of terrorism.

327.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a dead body (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 identifying information or other information identifying the individual as an organ 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).

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).

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

The name and address of this person shall be included in the narrative of the death report.

327.2.3 DEATH NOTIFICATION

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, or in most cases, the on-duty supervisor. 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

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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)).

This department shall immediately notify the state fire marshal or St. Louis Park's chief officer (if that position exists) when a human death results from a fire, (Minn. Stat. § 299F.04 Subd. 5 (b)).

327.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a "John Doe" or "Jane Doe" number for the report.

327.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, any information or items pertaining to identifying features of the unidentified body, dental records, fingerprints, any unusual physical characteristics, description of clothing or personal belongings found on or with the body, that are in the possession of SLPPD shall be forwarded to the Medical Examiner for transmission to the BCA for eventual entry into systems designed to assist in the identification process, such as the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) files (Minn. Stat. § 390.25 Subd. 2 (a)).

327.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in a report.

327.2.7 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 scene and the Duty Sergeant and/or Watch Commander shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Duty Sergeant or Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator of a homicide or suspicious-circumstances death may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests.

327.2.8 EMPLOYMENT RELATED DEATHS OR INJURIES / INDUSTRIAL ACCIDENTS

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, should ensure that the nearest office of the Minnesota Department of Labor and Industry is notified with all pertinent information.

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Death Investigation

The accuracy and completeness of our reports are very important because they may be used as the only impartial account of how the accident actually occurred.

See also Employment Related Deaths or Injuries / Industrial Accident Procedure in the Procedures Manual.

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Identity Theft

328.1 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.

328.2 REPORTING

(a) A report shall be taken any time a person living within the jurisdiction of the St. Louis Park Police Department reports that he/she has been a victim of identity theft (Minn. Stat. § 609.527, Subd. 5). This includes:

1. Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
2. Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy. Officers should encourage the individual to review the material, and assist with any questions.

(b) A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in St. Louis Park to facilitate the crime).

(c) Officers 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).

(d) Officers 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.

(e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

328.3 PREVENTATIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report as allowed by law (Minn. Stat. § 13C.016 Subd. 2). A victim may also access the Minnesota Attorney General's office for additional detailed information.

328.4 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, if available. If completed, these forms should be submitted to the Records Section for appropriate filing and entry into the NCIC Identity Theft File. Forms and details are available on the Bureau of Criminal Apprehension identity theft website.

328.5 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

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Deterrence Act. The victim can contact the FTC online or by telephone. Additional information may be found at the U.S. Department of Justice (USDOJ) website.

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Private Persons Arrests

329.1 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).

329.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

When necessary, 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).

329.3 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).

329.4 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.

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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.

329.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must give a recorded interview/statement of sufficient detail to the officer, explaining the events that led to the private person arrest. 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 the case of many shoplifting arrests, store security personnel's incident report will include a substantially similar written statement form that may be accepted fore this purpose.

In addition to the Private Person's or 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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Limited English Proficiency Services

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department 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 St. Louis Park Police Department, designated by the Department, 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).

330.2 POLICY

It is the policy of the St. Louis Park Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department 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.

330.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Chief of Police or the authorized

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designee. This will generally be a member of the Community Outreach group, reporting to an Investigations Sergeant.

The responsibilities of the LEP Coordinator may include, but are not limited to:

(a) Coordinating and implementing all aspects of the St. Louis Park Police Department'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 Duty Sergeant and Administrative Lieutenant. 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 Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and forwarding complaints regarding department LEP services. along with members of the supervisors' group.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

Input for the processes above should be obtained, where appropriate from the Police Multicultural Advisory Committee (PMAC) and/or Police Advisory Commission (PAC).

330.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department 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

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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 department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department 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.

Hennepin County is estimated to have 5-10% population eligible to be served or likely to be encountered, based on 2015 data from https://www.lep.gov/sites/lep/files/resources/US_cnty_LEP_pct.ACS_5yr.2015.pdf.

330.5 TYPES OF LEP ASSISTANCE AVAILABLE

St. Louis Park Police Department 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 Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

Sample language ID cards can be found at https://fns-prod.azureedge.net/sites/default/files/cnd/Ispeak.pdf and https://publicsafety.ohio.gov/static/CJS0007.pdf

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

330.6 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.

330.7 AUDIO RECORDINGS

The Department 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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330.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department 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 department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

330.9 AUTHORIZED INTERPRETERS

Any person designated by the Department 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 department 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 department 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.

330.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department 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:

- Qualified bilingual members of this department or personnel from other City departments.

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- 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 department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

330.9.2 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 Department 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, department 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.

330.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department 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 department 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 Department or some other identified source.

330.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The St. Louis Park Police Department will take reasonable steps and will work in an on-going capacity with the Human Resources Division to develop in-house language capacity by seeking to hire or appoint qualified members proficient in languages representative of the community being served.

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330.11.1 EMERGENCY CALLS TO 9-1-1

Department 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 Dispatch, 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.

330.12 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 officer is unable to effectively communicate with an LEP individual.

If available, officers should attempt to obtain the assistance of a qualified bilingual member or an authorized interpreter when placing an LEP individual under arrest.

330.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis 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, officers should consider calling for an authorized interpreter in the following order:

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- An authorized department 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.

330.14 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.

330.14.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting officer 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

(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

330.14.2 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 person being examined of all the proceedings, in a language which said person understands, and to

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repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

330.15 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.

330.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department 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 Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

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.

330.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

330.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

Examples of recommended recurring officer training areas include the following:

- Understanding the Title VI LEP responsibilities
    - Under Title VI (and the Safe Streets Act), agencies are required to provide LEP individuals with meaningful access to their programs and services. (Providing "meaningful access" will generally involve some combination of services for oral interpretation and written translation of vital documents.)
- What language assistance services the Police Department offers
- Specific procedures to be followed when encountering an LEP person

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- How to use the "I Speak…"-type multi-language identification flashcards
- How to contact translation services if needed
- Ensuring that Department personnel understand they can only use family members, friends, or bystanders to interpret in unforeseen, emergency circumstances while awaiting a qualified interpreter.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

330.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

Any Department members seeking status as authorized interpreters shall complete the requirements for listing on the Statewide Roster of Court Interpreters, in accordance with the Courts' Policy 513(c), Court Interpreter Roster Qualifications. https://www.mncourts.gov/mncourtsgov/media/scao_library/Court%20Interpreter/513(c)-Court-Interpreter-Roster-October_2020.pdf.

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Pupil Arrest Reporting

331.1 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.

331.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting officer shall include the necessary information in the report to ensure that the Records Section notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the arresting officer shall complete the appropriate form and submit the form, or other established method for providing notice, with the report to the Records Section. The Records Section shall ensure the form, or other form of notice containing the necessary information, is distributed to the chemical abuse pre-assessment team of the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

331.2.1 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.

331.2.2 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 officer or the public.

Proper notification to the school after the pupil’s arrest should then be made when circumstances reasonably allow.

331.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and where the pupil will be taken.

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Biological Samples

332.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

332.2 POLICY

The St. Louis Park Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.https://www.revisor.mn.gov/statutes/cite/609.117

332.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following persons must submit a biological sample:

(a) Adults who are subject to a court order requiring a biological sample after sentencing (Minn. Stat. § 609.117).

(b) Juveniles who are subject to a court order requiring a biological sample after being adjudicated delinquent (Minn. Stat. § 609.117).

332.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

332.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Minn. Stat. § 609.117.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person's criminal history. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Minnesota Bureau of Criminal Apprehension to perform the collection and take steps to avoid cross contamination.

332.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

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(a) The person’s parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person’s next court appearance.

(d) The person’s attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

332.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department’s records retention schedule.

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Chaplains

333.1 PURPOSE AND SCOPE

This policy establishes the guidelines for St. Louis Park Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

333.2 POLICY

The St. Louis Park Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

333.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs and excessive debt.

(b) Having a good reputation in the community.

(c) Successful completion of an appropriate-level background investigation.

(d) A minimum of five years of successful counseling experience.

(e) Possession of a valid driver's license.

(f) Letter from church council or congregation leadership acknowledging application for chaplain participation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

333.4 RECRUITMENT, SELECTION AND APPOINTMENT

The St. Louis Park Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as other non-sworn/volunteer department personnel before appointment.

333.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

333.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

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(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

333.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued St. Louis Park Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard St. Louis Park Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department. Other styles of dress, including religious attire associated with the chaplain's church role, may be approved by the Chief of Police.

333.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Division Commander or other designee of the Chief of Police.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee chaplains shall report to the chaplain coordinator and/or Duty Sergeant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

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(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

333.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the St. Louis Park Police Department.

333.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

333.7.2 OPERATIONAL GUIDELINES

(a) Chaplains shall be permitted to ride with officers during any shift and observe St. Louis Park Police Department operations, provided the Duty Sergeant has been notified and approved the activity. Chaplain ride-alongs may be rejected by the duty sergeant for staffing concerns, call volume, major incidents underway, etc.

(b) Chaplains shall not be evaluators of members of the Department.

(c) Chaplains shall provide their contact information to the police department and keep it updated.

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(d) In responding to incidents a chaplain shall never function as an officer.

(e) When responding to in-progress calls for service chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(f) Chaplains shall serve only within the jurisdiction of the St. Louis Park Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(g) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private personnel data and each chaplain will exercise appropriate security measures to prevent distribution of the data.

333.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and after notification responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

333.7.4 ASSISTING THE DEPARTMENT

Examples of the responsibilities of a chaplain related to this department may include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Duty Sergeant or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if reasonably possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

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333.7.5 ASSISTING THE COMMUNITY

Examples of the duties of a chaplain related to the community may include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

333.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

333.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the St. Louis Park Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any St. Louis Park Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

333.9 TRAINING

The Department will recommend and offer training to chaplains, including basic chaplaincy familiarization courses, when available. All Department-provided training or instruction will be approved by the Chief of Police.

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Dependent Adult Safety

334.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that 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 department.

This policy does not address the actions to be taken during the course of a vulnerable adult investigation. These are covered in the Adult Abuse policy.

334.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a caregiver is arrested. The St. Louis Park Police Department 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, including call-out availability and follow-up responsibilities.

NOTE: See the **Trauma Responsive Policing Policy (Policy 342)** for related info regarding situations involving parents and juveniles.

334.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible dependent adults. In some cases this may be obvious, such as when dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any dependent adults.

(b) Look for evidence of dependent adults. Officers 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 dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her dependent adult. Removing 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, officers should allow the parent or caregiver to assure dependent adults that they will be provided care. If this is not safe or if the demeanor of the caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the dependent adult that he/she will receive appropriate care.

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334.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of 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 dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the 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.

    (a) Except when a court order exists limiting contact, the officer should attempt to locate and place dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of dependent adults until an appropriate caregiver arrives.

(d) Notify the county social services agency, if appropriate.

(e) Notify the field supervisor or Duty Sergeant of the disposition of dependent adults.

If dependent adults are at another known location outside the household at the time of arrest, the arresting officer should attempt to contact the other known location and inform the 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.

334.3.2 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 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 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.

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334.3.3 REPORTING

(a) 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

334.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the 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.

334.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175).

Only when other reasonable options are exhausted should a dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a dependent adult be left unattended or without appropriate care.

334.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting dependent adults receive training on effective safety measures when a parent, guardian or caregiver is arrested, such as a review of the provisions/procedures in this policy, above.

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Service Animals

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

335.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is 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 individual's disability (28 CFR 35.104; Minn. Stat. § 363A.19 (c)).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

335.2 POLICY

It is the policy of the St. Louis Park Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service dog (Minn. Stat. § 256C.02).

335.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the St. Louis Park Police Department affords to all members of the public (28 CFR 35.136; Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance including:

- 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.

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- 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 traumatic brain injury to locate misplaced items or follow daily routines.

335.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally 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 member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service 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 questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

335.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

335.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler 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 service animal (28 CFR 35.136(b); 28 CFR 35.139).

Each incident must be considered individually, and 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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

335.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the

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concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers 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 (DOJ).

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Volunteers

336.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers 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 department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

336.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, Block Captains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others. See also Policy 1025, Police Explorers, and Policy 336, Chaplains.

336.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an St. Louis Park Police Department volunteer, depending on assignment, may include:

(a) Residency in the City of St. Louis Park.

(b) At least 18 years of age for all positions other than Explorer.

(c) A valid driver's license if the position requires vehicle operation.

(d) 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.

(e) No conviction of a misdemeanor or gross misdemeanor crime within the past 5 years, excluding petty misdemeanor traffic offenses.

(f) The applicant must not have any health-related condition that may adversely affects the person's ability to serve safely in the position.

(g) Physical requirements reasonably appropriate to the assignment.

(h) A personal background history and character suitable for a person representing the Department, as validated by a background investigation (if required).

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

336.2 VOLUNTEER MANAGEMENT

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336.2.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department 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 Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the appropriate supervisor or command staff member. 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.

336.2.2 SCREENING

All prospective volunteers should complete the appropriate volunteer application form. The responsible supervisor or command staff member, or designee, should conduct a face-to-face interview with the applicant.

A documented pre-assignment check shall be completed on each volunteer applicant and may 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 him/her 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).

336.2.3 SELECTION AND PLACEMENT

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

336.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified civilian employees of this department, when authorized, may also serve as volunteers. However, the Department must not utilize the services of a or volunteer in such a way that it would violate employment laws or labor agreements. Therefore, the Coordinator should consult the Human Resources Division prior to an employee serving in a volunteer capacity (29 CFR 553.30).

336.2.5 TRAINING

Volunteers will be provided with familiarization to acquaint them with the department, 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.

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Depending on the assignment, examples of provided training may include:

(a) Role of the volunteer.
(b) Department policies.
(c) Discrimination and harassment training.
(d) CPR/first aid.
(e) Search and rescue techniques.
(f) Scenario-based searching methods.
(g) Evidence preservation.
(h) Basic traffic direction and control.
(i) Roadway incursion safety.
(j) Self-defense techniques.
(k) Vehicle operations, including specialized vehicles.

Pursuant to Minn. Stat. § 626.8466, the Department may establish training, licensing and continuing education requirements for its reserve officers.

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 Department. 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 Department. Whenever a rule, regulation or guideline in this manual refers to a licensed officer, it shall also apply to a volunteer unless by its nature it is inapplicable.

336.2.6 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 department regarding drug and alcohol use.

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336.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

336.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department 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.

336.4 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 department 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 department 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 Department. 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 divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

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336.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be in possession at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

336.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

(a) Verification that the volunteer possesses a valid driver's license.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers are not authorized to operate a Department vehicle under emergency conditions (lights and siren).

336.5.2 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.

336.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

336.7 EVALUATION

An evaluation of the overall volunteer program will be conducted as needed. 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.

336.8 EMERGENCY CALLOUT FOR VOLUNTEER PERSONNEL

The Chief of Police or appropriate supervisor shall develop a plan outlining an emergency call-out procedure for volunteer personnel, especially police reserves, in the event they are subject to callout.

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Off-Duty Law Enforcement Actions

337.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the St. Louis Park Police Department with respect taking law enforcement action while off-duty.

337.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing misdemeanor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that the member reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat. See the Use of Force Policy for additional guidance.

337.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer’s senses or judgment.

337.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or a baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

337.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if reasonably possible.

Whenever reasonably practicable, the officer should loudly and repeatedly identify him/herself as an St. Louis Park Police Department officer until acknowledged. Official identification should also be displayed.

337.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

337.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and reasonably practicable.

337.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

337.5 REPORTING

Any officer, prior to taking any off-duty law enforcement action, shall notify and receive approval of an St. Louis Park Police Department supervisor (or other applicable enforcement authority if acting outside the jurisdiction of the St. Louis Park Police Department), when feasible. The Duty Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate, unless covered by the Critical Incidents / Officer Involved Shootings and Deaths Policy.

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Department Use of Social Media

338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

338.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

338.2 POLICY

The St. Louis Park Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

338.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

Department divisions or working groups wishing to have a new social media presence must initially submit a request to the Chief of Police, or his/her designee, in order to ensure social media accounts are kept to a sustainable number and policies are followed. All approved sites will be

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clearly marked as the St. Louis Park Police Department's site and will be linked with the official City website (www.stlouispark.org).

338.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission, and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.

(f) Traffic information.

(g) Media releases.

(h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

338.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Communications and Marketing Manager or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

338.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the St. Louis Park Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

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Any member who becomes aware of content on this Department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

338.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public, other than comments to police department messages and posts.

The Department may provide a method for members of the public to contact department members directly.

338.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the department social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

338.7 DATA OWNERSHIP

All social media communications or messages composed, sent, or received on Police Department or city equipment in an official capacity are the property of the City and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. The Police Department and the City of St. Louis Park also maintains the sole property rights to, and control of, any image, video or audio captured while a Police Department employee is representing the Police Department or City in any capacity.

The St. Louis Park Police Department retains the right to monitor employees' social media use on city equipment and will exercise its right as necessary. Users should have no expectation of privacy and fully understand that social media is never a secure means of communication.

338.8 RETENTION OF RECORDS

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules. This will generally be maintained by staff of the office of the Communications and Marketing Manager and was confirmed to be in place at the time of enaction of this policy.

338.9 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Community Relations and Outreach

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate or Bias Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

339.2 POLICY

It is the policy of the St. Louis Park Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

339.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (note also the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas and be accessible to these people.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They may also periodically inform Dispatch of their location and status during the foot patrol.

339.4 COMMUNITY RELATIONS/OUTREACH PERSONNEL

The Chief of Police or the authorized designee should designate members of the Department to serve in furtherance of the community relations function. Members assigned to community relations/outreach are responsible for:

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(a) Obtaining department-approved training related to responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Patrol Division Commander to have input on patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Attending City council and other community meetings to obtain information on community relations needs.

(g) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(h) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

339.5 SURVEYS

Surveys of community members and department members may be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of any surveys should be provided to the Chief of Police.

339.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

Programs and activities should be provided that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

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(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership, mental health, and life skills mentoring.

(d) School resource officer and youth outreach programs

(e) Neighborhood Watch, block captains, neighborhood association leaders, and crime prevention programs.

339.7 INFORMATION SHARING

Community relations/outreach members should work with the Communications and Marketing Manager to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

339.8 LAW ENFORCEMENT OPERATIONS EDUCATION

Community relations/outreach members should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

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339.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations/outreach activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

339.10 POLICE MULTICULTURAL ADVISORY COMMITTEE (PMAC)

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics and cultural diversity of the community as much as practicable. The PMAC is a culturally, professionally and educationally diverse volunteer group that advises the St. Louis Park Police Department on how to better serve, communicate with and understand the many cultures that reside in, work in or visit the St. Louis Park community. Members should:

- Live or work in St. Louis Park or are significantly connected to the city.
- Will work collaboratively to enhance relationships between police and the community, specifically with immigrants, people of color and indigenous people.
- Embrace the diversity of the St. Louis Park community.
- Have a genuine curiosity for creative and collaborative problem solving.
- Are willing and eager to participate in challenging and meaningful conversations.
- Respectfully embrace and thrive in an environment where difficult conversations are common.

The committee should convene regularly to/for:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Department and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures for the purpose of providing recommendations regarding programs, training or other issues as appropriate.

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339.10.1 LEGAL CONSIDERATIONS

The Chief of Police and community relations/outreach workers should work with the City Attorney and city clerk as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

339.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers.

339.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

339.12.1 STATE-MANDATED TRAINING

The Training Sergeant is responsible for ensuring that members receive community policing as required by Minn. Stat. § 626.8455.

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Public Medication Collection Box

340.1 PURPOSE

Establish the policy and procedure of the St. Louis Park Police Department in regard to the disposal of unwanted medication by the public.

340.2 POLICY

Prescription drug abuse is a serious threat to the health and safety of our community. This policy will assist in reducing access to and safely disposing of unwanted and/or expired prescription medication. It is the policy of the Police Department to accept for disposal all prescription medication turned in by the public.

340.3 PROCEDURE

(a) The prescription drug collection box is for citizen use only. The Police Department will not accept prescription drugs from commercial entities for the purpose of destruction.

(b) Unwanted or expired prescription medication brought in by the public will be deposited into the disposal box located in the Police Department lobby. The person turning in the prescription medication may remain anonymous.

(c) The collection box is a green metal container with a one-way deposit drawer and lockable door. A sharps container will be provided nearby and will be accessible to the public. The collection box is securely attached to the floor, in plain view of employees, either in person or by video surveillance, and secured with a lock at all times. The collection box will be marked with Police Department logos and display a list of acceptable and unacceptable items.

1. Acceptable items include: Prescription drugs, prescription patches, prescription samples, pet medication, and over-the-counter medications including vitamins.

2. Unacceptable items include, but are not limited to: Needles (sharps), aerosol cans or inhalers, prescription ointments, biohazard or infectious waste, hydrogen peroxide or alcohol, thermometers, food items, and supplements.

(d) Officers on calls for service or elsewhere in the field will not accept prescription drugs from the public for transport to the collection box and will not submit material to the box for any other person. Medicine disposal bags are provided for in-home use by the public and should be distributed by Officers in such circumstances.

340.4 POLICE PERSONNEL RESPONSIBILITIES

(a) At least once per week, two Officers, one of which is to be the property room supervisor (usually the Investigations Sergeant) or other supervisor designated by the Chief of Police, will check and empty the collection box of all materials, if needed.

(b) The Officers will collect the contents and document the amount and approximate weight of the items in the collection box. Items deemed "unacceptable" and “acceptable” will be packaged separately with the appropriate description used.

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(c) Keys to the collection box will be maintained by the Investigations Lieutenant, who will be responsible for oversight of all medicine collection box processes.

(d) Anyone handling medication will take necessary precautions and wear protective equipment, including gloves. Any improperly sealed liquids must be properly sealed to prevent leakage or spillage.

(e) All amounts of material removed from the collection box will be sealed, logged in the designated location in the property room, and secured in the vault immediately after collection. Log entries must include the date and time of collection and names of Officers (at least two) present. Materials will be sealed in cardboard boxes, initialed by the Officers, with the contents clearly marked on the outside.

(f) Property personnel will process and dispose of the acceptable and unacceptable contents in accordance with established procedures. Disposal of prescription medication is to be conducted in accordance with practices established in conjunction with Hennepin County Environmental Services and the Hennepin County Sheriff's Office. Removal of medication from the property room and transport for destruction will be documented in a police report, which will contain the number of boxes, the time-frame of collection, and the approximate weight of the material transported.

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Trauma Responsive Policing

341.1 PURPOSE

To establish trauma informed and responsive police practices when officers are handling calls for service involving juveniles exposed to traumatic events.Officers should be knowledgeable and deliberate in their handling of calls to reduce the impact of Adverse Childhood Experiences (ACEs). Officers should be mindful and cognizant that their actions may have unintended consequences that have the potential for a negative impact on children.

341.2 POLICY

The St. Louis Park Police Department recognizes the significant impacts and risks to children who experience traumatic events. Children who experience significant amounts of toxic stress as a result of ACEs are more likely to have poor health, educational, and social outcomes. Police are in a unique situation to play a pivotal role to mitigate these impacts through trauma informed and responsive police practices and making referrals to our partners to help these children build resiliency.

341.2.1 PROCEDURES AND SPECIAL CONSIDERATIONS

(a) **Procedures**: If an officer responds to a reported call for service involving violence or a call the officer reasonably believes would be a traumatic incident for a juvenile, the officer shall consider doing the following after the scene has been stabilized. None of the following actions should be taken if the officer can articulate that any of the actions would jeopardize the safety of the officer or other individuals involve

1. Ascertain if there are any juveniles present that may have witnessed or heard the act or event
2. Determine if immediate action is necessary to locate the parent or guardian of the juvenile
3. If possible, remove the child from the immediate area where the event occurred
4. If reasonably possible, officers shall not interview witnesses in front of children
5. If reasonably possible, officers shall not arrest or handcuff parents or guardians in front of their children
6. Officers shall not use children as interpreters where there is a language barrier, unless emergency conditions warrant
7. When investigating Domestic Violence cases with children present, officers shall whenever possible keep the children with the non-offending parent
8. Officers shall be assertive when necessary but also calm and collected when on scene. Children can influence the emotions of an adult, especially a police officer
9. Officers shall recognize the most important message to send to a child after experiencing a traumatic event is that "THEY ARE SAFE" and taking even small steps or actions to convey and affirm this message is critical.

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10. If the child is determined to be a student at a St. Louis Park school, the Juvenile Response Officer(s) (JROs) should be notified and prepared to work with the school's staff and social workers to support the child, if necessary.

(b) **Special Considerations**:

1. Officers should be mindful and recognize clues (toys, books, movies, etc.) that children may be present or reside in the home

2. If Officers are on scene of an incident and evidence suggests that a child may reside or stay at the residence or be associated with the individual and the child has not been located, Officers should inquire about the child's whereabouts

3. In circumstances where there is evidence of a child residing in the home, the child has not been located, and Officers have been unable to determine the child's whereabouts (e.g. unconscious individual, overdose) a protective sweep of the residence should be conducted to ensure that children are provided aid and protection. Officers should articulate their observations and actions in their report

4. Prior to making an arrest, officers should consider having a tactful plan and/or conversation with the individual subject of an arrest to limit the impact on the child, and, if possible allow the subject to affirm their health and well-being with children present prior to leaving their presence. Phone calls could be encouraged from the subject to the juvenile(s) at later times to affirm their continued health and safety.

341.2.2 SWAT CONSIDERATIONS

(a) The St. Louis Park Police Department recognizes a Special Weapons and Tactics (SWAT) operation where children are present can be a traumatic experience for a child.Detectives who have knowledge of children present or the possibility of children present at a target location shall ensure the SWAT Commander includes the following in their operations plan:

1. Pre-operation considerations:

(a) When conducting surveillance, members should consider checking for toys in the yard, bicycles, history of children being present at address and adjusting mission accordingly.

(b) Careful consideration should be taken, and members shall exercise their best judgment to determine if the subject of the mission should be conducted in a different manner.

2. Post-operation considerations:

(a) After the location has been cleared or secured, move the children if reasonably possible to a location from where the adults are being questioned. When reasonably possible, SWAT Operators that remain in the location for security purposes should consider removing obstructing garments or equipment that obscure their face(s) and/or inhibit communication.

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(b) If children are present, the parent/caregiver shall be allowed to provide care for the child. If the security does not permit or the parent/caregiver is not there, an officer shall be assigned to the child to provide care. Officers interacting with children during these operations shall follow the steps outlined above.

3. None of these considerations should outweigh officer safety.

341.3 FOLLOW-UP VISITS

Following up with children in the days following a traumatic event can be a powerful tool to help the child in gaining a sense of security.(See procedures regarding JRO notification, above.) Even very brief visits can have a significant positive impact on the child, allowing them to see and interact with a police officer when there is not a crisis or emergency.Follow-up visits will be allowed dependent upon the continued safety of the responding Officer in addition to that of the juvenile(s) present.Officers completing follow-up visits will be allowed to do so at their own choosing and discretion, and in consultation with a supervisor.The St. Louis Park Police Department will not mandate follow-up visits in all cases, to avoid possible negative outcomes from the contact.

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Mobile Field Force (MFF)

342.1 MOBILE FIELD FORCE (MFF)

PURPOSE: Mobile Field Force (M.F.F) is a specially trained team of officers capable of responding to incidents in which large numbers of people require management for public safety reasons.

SCOPE: The team is designed to manage large group incidents where there is a risk of life and personal safety, property damage or criminal behavior.

ORGANIZATION: The responsibility of the M.F.F function rests with the Chief of Police who may delegate the operational authority to a ranking officer in charge, hereinafter referred to as the M.F.F. Commander.

342.2 CALL-OUT PROCESS FOR DISPATCH

Process for MFF request/call-out:

(a) A page-out will originate from HCSO dispatch to activate the platoon.

(b) The assigned St. Louis Park Sergeant will receive and notify St. Louis Park Dispatch to create a CFS (Mobile Field Force Request) and use the Police Department address, unless a known location is already established.

(c) Dispatch will issue a page through ZS/CS using the group "Mobile Field Force Call-out" and present message under that type.

(d) Leads from each member city of our platoon (Hopkins, Golden Valley, Crystal, Robbinsdale) will call and advise on the number of team members that will be responding. Dispatch will enter this info (City and number) in the comments for the CFS.

(e) Members from St. Louis Park will call individually and advise if they are responding.

342.3 MFF COMMANDER RESPONSIBILITIES

To restore order in the most reasonable manner possible by using sound tactics and equipment necessary to protect life and personal safety, deter criminal behavior and prevent property damage

The M.F.F. Commander will make the most efficient use of all resources available from within and outside the department.

All incidents requiring the deployment of M.F.F assets will be thoroughly documented in a general report filed in the records management system. The M.F.F Commander will submit reports detailing M.F.F. activities and actions taken.

The M.F.F. Commander will maintain competency relating to operational methods and tactics. These methods and tactics will be included in regularly scheduled training for all M.F.F. team members.

Upon activation of M.F.F for a particular incident, the scene responsibility shall rest with the incident commander. The incident commander will work with the M.F.F Commander to coordinate their activities.The M.F.F Commander shall determine and control the tactical operation of the

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M.F.F while working under the command of the incident commander to resolve the issue(s) at hand.

Unless exigent circumstances are present, the M.F.F Commander shall coordinate tactical decisions with the incident commander. These decisions could include but are not limited to:

(a) Goals for the M.F.F. deployment

(b) Crowd management tactics and goals

(c) Security goals

(d) Road closures

(e) Critical infrastructure

(f) Exclusion zones

(g) Use of riot control munitions

(h) Mass arrest

342.4 RESPONSIBILITIES OF MFF MEMBERS

Officers designated as M.F.F. members during their normal tour of duty will be immediately responsible to their duty supervisor and will function under their direction and control unless an incident occurs that requires a full or partial deployment of the M.F.F. at which time they will report to the M.F.F. Commander.

If non-M.F.F. officers are deployed as part of a M.F.F. incident, these officers will report to the M.F.F. commander until released from an incident by the M.F.F. Commander. All other police personnel at the scene will function at the direction of their supervisors who will coordinate activities with the incident commander.

342.5 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event. Should the Incident Commander make a determination that public safety is presently in jeopardy or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group. When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what

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law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

Activate Dispersal Order

May I have your attention please? I am (Rank and Last Name) of the St. Louis Park Police Department. The police department has declared this assembly unlawful under the State of Minnesota. Minnesota State Statute 609.715 prohibits remaining present at an unlawful assembly. You are hereby ordered to immediately disperse, which means leave the area. Please do so quickly by (Directions). If you do not cease your unlawful behavior and disperse, you will be arrested. You have (Time) minutes to leave the area. Thank you for your cooperation.

342.6 MASS ARRESTS AND BOOKING

The timely arrest of those committing crimes is one key to the resolution of crowd management situations which have evolved into a large group civil disturbance. Experience has shown that the process of arresting significant numbers of people can quickly overwhelm the ability of law enforcement to deal with them.Thus, whenever possible, the option of mass arrest should be avoided.

Hennepin County Sheriff's Office is a partner in mass arrest and booking situations. The Hennepin County Sheriff's Office should be utilized for transport and booking whenever possible.

Prior to a mass arrest, adequate verbal warnings shall be given to those who may be subject to arrest. A supervisor of a field identification unit shall be appointed by the M.F.F. Commander.This person should come from the M.F.F. team whenever possible.This person should coordinate the department's implementation of mass arrest procedures and establish contact with the Hennepin County Sheriff's Office.He or she will be responsible to the incident commander to ensure that appropriate resources are identified to process and transport prisoners from the field to a holding or booking site.That site may be at a location different from the Hennepin County Jail.It shall be the supervisor's duty to arrange prisoner transportation and ensure that appropriate paperwork tracks with arrested parties.

The field identification unit supervisor must develop procedures to ensure that sufficient information is collected at the booking point to establish a basis for the successful prosecution of the greatest number of charges possible. This would include but not be limited to:

(a) Information establishing that a crime was committed and the arrested party committed the crime.

(b) The date and time of occurrence

(c) Victim

(d) Witnesses

(e) Location

(f) Property taken or damaged

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A system to collect and transport evidence associated with these arrested parties must also be established so that fruits of the crime, weapons, etc. are appropriately handled so that the chain-of-custody is maintained.

The field identification unit supervisor will be responsible for staffing mass arrest booking points with resources requested from the incident commander.

342.7 TRANSPORTATION

In the event of a large group civil disturbance, police vehicles will be at a premium. A supervisor designated by the incident commander is responsible for providing an assessment to the incident commander of the vehicle inventory and should be prepared to provide vehicles to M.F.F. at the direction of the incident commander.

This supervisor may also make arrangements for vehicles beyond the department's fleet should that become necessary. Those options might include other city department vehicles, leased vehicles, Metro Transit vehicles, etc.

342.8 MEDIA RELATIONS

The designated Public Information Officer (PIO) shall maintain close contact with the incident commander or the Emergency Operations Center (EOC), when activated and act as the department's point of contact for the media.

342.9 MFF SPECIALIZED EQUIPMENT

Special weapons and equipment assigned to the M.F.F function are stored and managed by a supervisor who is responsible for their maintenance and operational readiness.

Riot control munitions are tools which may be utilized by M.F.F. team members to manage a crowd or individuals who have become violent or whose actions have become criminal. The use of riot control munitions must be approved by the Chief of Police or designee unless exigent circumstances exist to protect life or significant property damage.

Riot control munitions are defined as:

(a) OC, CS or OC/CS-blended aerosols larger than a Mark IV

(b) Any burning munitions whether inert, smoke, CS or OC, including 37 mm platform

(c) 40 mm direct impact munitions whether they are inert projectiles or contain OC or CS

All Department and/or city vehicles shall be made available to the M.F.F. for their operational use.

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Police Station Security

343.1 INTRODUCTION

This policy outlines our commitment to creating a secure environment through clear guidelines and shared responsibility. The focus is on preventing unauthorized access, safeguarding sensitive information, and responding effectively to potential security incidents. By following this policy, every member of the police department plays a vital role in maintaining a safe and secure workplace.

343.1.1 PURPOSE

The purpose of this policy is to establish standards in regard to the physical and environmental security of the St. Louis Park Police's information and property in line with current laws and established practices.

343.1.2 SCOPE

All St. Louis Park Police employees, partners, contractual third parties and agents with access to department equipment and information (electronic and paper records) are responsible for ensuring the safety and security of the department's equipment and the information they use or access. Where applicable, information about security/access policies will be posted in prominent locations around the police facility.

343.2 PHYSICAL SECURITY - ACCESS CONTROL

343.2.1 SECURITY DURING BUSINESS HOURS (MONDAY-FRIDAY, 8:00AM-4:30PM)

A. All employees requiring access to St. Louis Park Police premises during normal working hours, shall gain entry either by use of an approved access key or fob, and be prepared to present a valid St. Louis Park Police ID card and/or badge.

B. After entry to any premises used/controlled by the St. Louis Park Police Department, employees shall check that:

1. The main door or automatic access point (door/gate) through which entry was gained has closed and that the locking mechanism has correctly engaged; and
2. They were not "tail-gated;" however should this occur they are to immediately identify and challenge any unknown or unexpected visitor attempting to follow them inside. Anyone attempting to enter with a department member will be required to show identification and provide a valid purpose for entry.
3. Couriers, vendor/contract workers, delivery drivers and visitors to St. Louis Park Police premises shall only gain access to premises once their identity has been confirmed and it has been established that they are expected by an employee of St. Louis Park Police or City Facilities staff.
4. No unescorted access will be granted. All couriers, vendors/contract workers, delivery drivers and visitors shall be met and escorted by an employee of St. Louis Park Police or city facilities staff for the duration of their visit.

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C. After entry has been permitted to a vendor/contract worker, courier, delivery driver or visitor to St. Louis Park Police's premises the employee shall check that:

1. The main door or automatic access control point (gate/door) has closed and that the lock has engaged; and

2. They were not tail-gated; however should this occur then they are to identify and challenge any unknown or unexpected visitor. All couriers, delivery drivers or visitors who attempt to gain access by tailgating should be directed to report to the public entrance.

3. Ensure (as appropriate) that the courier, delivery driver or visitor:

(a) Is correctly listed in and signs the Visitor's log; and

(b) Is issued and displays the designated visitor ID badge or lanyard, unless their clothing or uniform clearly displays their name and company affiliation; and

(c) Is escorted to the person that they have come to visit or the appropriate meeting room; or

(d) Is escorted at all times when on St. Louis Park Police premises.

4. Law enforcement personnel from other agencies on official business may be admitted, but shall display and keep visible either their agency photo ID, confirmed identifiable police/sheriff uniform of office (including issued apparel bearing the department's logo or other clear identifiers), or an issued department law enforcement visitor badge on their person at all times.

5. Notes: For facilities-related repairs and/or maintenance, City Facilities staff will escort and monitor the work while it is being performed. Properly identified employees of contracted vendors of the police department, performing technology or communications project work, such as communications center systems and upgrades, may be cleared to work of site for the duration of the project by the Chief of Police or designee.

D. Once the courier, vendor/contract worker, delivery driver or visitor no longer has any requirement to remain on St. Louis Park Police premises the Employee shall escort them from the building via the main lobby entrance and:

1. Ensure that the courier, vendor/contract worker, delivery driver or visitor updates the log; and

2. Returns any temporary access pass or visitor's pass;

3. Check that the main door or automatic access control point (gate/door) closes and the lock has engaged once the courier, vendor/contract worker, delivery driver or visitor has vacated the building.

E. During normal working hours no access control point (including automated) should be ever be left unsecured (unless authorized by the Chief of Police or designee) and all public facing entry points are to be monitored by a suitably trained employee. If an employee exits through any automated access point during working hours they

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must ensure that the door/barrier closes and that the lock has correctly engaged, if equipped.

F. Access to restricted areas within the St. Louis Park Police department is to be strictly controlled and monitored by the relevant division head or supervisor. Any access control list or key authorization list is to be reviewed annually by the Chief of Police or designee (either the Dep. Chief or Admin Division Lieutenant). Any key or combination affording access to a restricted area is to be secured in a manner.

G. Office cleaning shall occur only when staff are present and able to monitor for general security considerations. Department members will report any security concerns regarding office cleaning staff to the Admin. Lieutenant or designated Sergeant with accountability for this function.

H. Employees working in restricted areas are to challenge anyone not wearing an identification badge or official uniform of office that allows identification. Any unauthorized person is to be immediately escorted to the main entrance where further inquiries are to be made as to the validity and purpose of their visit, and a supervisor notified.

I. Package deliveries should be observed and inspected for normal/expected labeling and marking (common carriers, e.g. USPS, FedEx, DHL, Amazon). Packages should not be accepted from individuals where their contents is not identified or cannot be appropriately ascertained by staff.

343.2.2 SECURITY OUTSIDE OF BUSINESS HOURS (4:31 PM TO 7:59 AM AND WEEKENDS/HOLIDAYS)

A. Weekend hours are from 4:31 pm Friday to 7:59 am Monday. Holidays consist of the list designated in the City personnel manual.

B. Maintenance, deliveries, equipment service, and related work should generally not be scheduled to occur outside of normal business hours. If this is necessary, a supervisor should be notified and an approval documented.

C. At the end of normal working hours each employee shall exit through the main doors or other access control point and check to ensure that the door/gate is secure and the lock correctly engaged.

D. All staff share responsibility for ensuring the security of their work location. This includes locking desk drawers and file cabinets that contain sensitive information, personnel data, or any other form of protected data under state law.

E. Before exit (if relevant):

1. Set any supplemental installed alarm, such as that in Property/Evidence room. Alarm codes will not be shared or disclosed to anyone without proper authorization.

F. On exit ensure that (if relevant) :

1. The Alarm has activated;

2. The door is locked, if equipped with a lock in regular use.

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343.2.3 GENERAL SECURITY CONSIDERATIONS AND MAINTENANCE
Equipment and computer items, including those supplied by city Information Resources, may be marked with an asset/property ID number.

Maintenance of security equipment should be conducted at least annually by maintenance personnel or suppliers/vendors. Dispatch personnel will have involvement in periodic checks of video monitoring systems and panic button tests in city hall and other city facilities, connected to their 24-hour monitoring capability.

343.3 NOTE: CJIS SECURITY PROCEDURE INFORMATION

(Refer also to Procedures Manual section on CJIS Security Procedures, excerpted below.)

EXCERPT: The St. Louis Park Police Department shall implement the following physical Security Controls to protect the Physically Secure Locations:

1. The perimeter of the Secure Locations are marked with signs that say, "Authorized Personnel Only;"
2. Ensure that authorized personnel are on-boarded and then access is removed within one day of termination, not to exceed three days. In a high-risk termination, it shall be done as close to immediate as possible;
3. Access Control Badges/Fobs shall be issued to all authorized personnel in order to control access to controlled locations;
4. Access Control System shall be programmed, using role-based assignments, in order to control access to only the CJIS Systems they are authorized to access;
5. Deputy Chief and the Administrative Lieutenant shall be responsible for monitoring the Access Control system; quarterly an Access Control List report shall be created by the Deputy Chief or the Administrative Lieutenant and reviewed for accuracy;
6. Visitors shall be required to sign in at the front desk and shall be issued a temporary badge, prior to being escorted into any Secure Location by an authorized staff member.
    1. Visitor logs will be maintained for one year and will be reviewed quarterly by Admin. Division supervisors.

343.4 PERIMETER SECURITY

The St. Louis Park Police Department has evaluated concerns and taken steps to reduce the possibility of property damage or incursions from groups or individuals outside the headquarters building. The measures adopted and implemented also place reliance upon employees to report any suspicious activity, unserviceable security related equipment, and all security breaches. Analyzing reported security breaches and observing suspicious activity enables the department to develop a more robust and effective security posture while encouraging security awareness for all department members.

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The perimeter fence surrounding the police station building should be checked for damage or tampering regularly and any concerns reported to the on-duty Sergeant and Admin. Lieutenant immediately.

343.5 REVIEW

Recurring review of this policy should take place annually. Input or indicated improvements from all department members is encouraged and should be routed to a member of command staff when available.

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Extreme Risk Protection Orders

344.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for firearms obtained pursuant to those orders.

344.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 624.7171):

Extreme risk protection order (ERPO) - An order prohibiting a named person from possessing or purchasing prohibited items.

Prohibited items - Firearms that are prohibited by an ERPO.

344.2 POLICY

It is the policy of the St. Louis Park Police Department to petition for and serve ERPOs in compliance with state law, and to properly account for prohibited items obtained by the Department pursuant to such orders.

344.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Chief of Police should designate an ERPO coordinator. The responsibilities of the coordinator, designated as the Investigations Lieutenant, include:

(a) Developing and maintaining procedures for the filing of a petition for an ERPO or a renewal of an ERPO by approveddepartment members.

(b) Identifying factors to consider when assessing whether to seek an ERPO, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms, or calls for service involving the individual where a fiream was involved or located.
5. Whether the person has committed an act of violence toward themselves or another person.
6. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
7. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
8. Any known upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.

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9. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of ERPOs consistent with the requirements of Minn. Stat. § 624.7172; Minn. Stat. § 624.7175; and are in alignment with the Warrant Service and Operations Planning and Deconfliction policies. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions.
2. Forwarding ERPOs to the Chief of Police or the authorized designee.
3. Forwarding ERPOs to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
4. Preparing or obtaining a search warrant prior to attempting service of an ERPO, when appropriate (Minn. Stat. § 624.7175).

(d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving ERPOs with training on such orders. Training should include determining when a petition is appropriate, the process for seeking ERPOs, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an ERPO prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an ERPO is being served by the Department (Minn. Stat. § 624.7175). Procedures should include:

1. Preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
2. Proper handling and processing of surrendered items.

344.4 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes that an ERPO is appropriate should notify the extreme risk protection order coordinator (Investigations Lieutenant) or the authorized designee and recommend seeking an order.

344.4.1 STANDARDS

Extreme risk protection orders may be appropriate if a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm (Minn. Stat. § 624.7171, Subd. 4).

If a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm, and presents an immediate and present danger of either bodily harm to others or of taking their life, an ERPO may be appropriate (Minn. Stat. § 624.7174).

344.4.2 REQUIREMENTS OF PETITION

An application for an ERPO should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (Minn. Stat. § 624.7171).

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344.5 SERVICE OF ORDERS

Approved/designated department member(s)should serve a copy of an ERPO, along with any accompanying notice of hearing and petition, affidavit, as applicable, on the person named in the order as soon as reasonably practicable (Minn. Stat. § 624.7172).

Service of ERPOs should take precedence over the service of other orders, except for orders of a similar emergency nature.

344.5.1 SAFETY CONSIDERATIONS

Upon receipt of an ERPO, the Watch Commander or other authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

At least two officers should be present when an ERPO is being served.

344.5.2 SURRENDER OF PROHIBITED ITEMS

Officers serving an ERPO should request that the named person immediately surrender all prohibited items as required by the order and take custody of any items surrendered pursuant to the order (Minn. Stat. § 624.7172; Minn. Stat. § 624.7175).

The officer serving the ERPO should prepare a receipt identifying all surrendered items and a copy of the receipt should be given to the person. The officers should ensure the original receipt is included in the original case report and forwarded to the Records Supervisor as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Section Policy.

344.5.3 SEARCH WARRANTS

Officers should consider whether a search warrant may be reasonably necessary prior to attempting service of an ERPO. A search warrant is strongly recommended in these situations.

Officers should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if an officer serving an ERPO reasonably believes there are prohibited items within the persons immediate custody, control, or possession that have not been surrendered or located.

344.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in department custody pursuant to an ERPO should be referred to the Property and Evidence Section, and related procedures for release followed, including those related to the pre-release and release of firearms from custody

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344.7 EXTENSION OF EXTREME RISK PROTECTION ORDER

The Investigations Division supervisor is responsible for the review of any ERPO obtained by the Department to determine if renewal or extension of the order should be requested within the time prescribed by law (Minn. Stat. § 624.7172; Minn. Stat. § 624.7173).

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Generative Artificial Intelligence Use

345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

345.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

345.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the St. Louis Park Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI could have the potential to produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

345.3 RESPONSIBILITIES

345.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

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345.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator or group. The AI coordinator or responsible group shall report to the Administration Division Commander or the authorized designee.

The responsibilities of the AI coordinator or responsible group include but are not limited to:

(a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:

1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.

(b) Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.

(c) Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.

(d) Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.

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(e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

(f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.

(g) Developing and updating training for the authorized users of each department-approved GenAI system.

(h) Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.

(i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.

(j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.

(k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments. Reviewing this policy and department practices and proposing updates as needed to the Chief of Police.

(l) Reviewing this policy and department practices and proposing updates as needed to the Chief of Police.

(m) Developing procedures in coordination with the *Brady* information coordinator and the Records Supervisor for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and applicable the Minnesota Data Practices Act.

345.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

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(c) Include a statement in the final document or work product that GenAI was used to aid in its production.

345.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

345.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

345.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

(a) A review of this policy

(b) The need for human oversight of GenAI outputs

(c) The interpretation, review, and verification of GenAI output

(d) Checking GenAI output for bias or protected information

(e) Ethical use of GenAI technology

(f) Data security and privacy concerns

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School Resource Officers

346.1 POLICY

The primary purpose of this policy is to provide guidelines which define the relationship between law enforcement agencies and the schools utilizing school resource officers (SRO). It will further facilitate the understanding of this relationship with regards to criminal matters and law enforcement situations, which will arise at the local school level. The goal of the SRO programs is to provide safe learning environments, provide valuable resources to school staff members, foster a positive relationship with students and develop strategies to resolve problems that affect our youth with the goal of protecting all children, so they can reach their fullest potential.

346.2 GUIDING PRINCIPLES

- The SRO employed by the St. Louis Park Police Department should be carefully selected, thoroughly trained, and appropriately equipped to fulfill their role within the school community. The SRO should actively engage in early prevention and early intervention educational programs that focuses on and support student needs.
- SROs shall be specially trained in the principles and standards identified in Minn. Stat. 626.8482, Subd. 4 which recognize the unique role of an SRO to foster positive relationships, open communication and mentorship while providing a safe and constructive environment for students, staff and visitors in the school setting.
- SROs are expected to recognize and consider alternatives to formal criminal referral such as diversion and restorative justice programs where possible and as appropriate for the incident, the involved students and families, victim(s) and the larger school community.
- Enforcement of school rules or policies or enforcement of discipline for violations of school rules are properly the responsibility of school district staff and administration. SRO discretion should be used when becoming involved with incidents that are school rule violations versus criminal conduct.
- Nothing in this policy should be construed as limiting any other duty or responsibility imposed on peace officers; the expectation that peace officers will exercise professional judgment and discretion to protect the health, safety, and general welfare of the public when carrying out their duties; or creates a duty for school resource officers to protect students, staff, or others on school grounds that is different from the duty to protect the public as a whole.

346.3 DEFINITIONS

A. **School**: An elementary school, middle school, or secondary school, as defined in section 12005, subdivisions 9, 11 and 13.

B. **School resource officer**: A licensed peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school.

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C. **Positive School Climate:** A school environment that makes students feel safe, supported and welcome.

D. **Developmentally appropriately practices:** Means individualized, responsive care that is appropriate for the child's age, cultural context, disability status and personality.

E. **Great bodily harm:** As defined in Minn. Stat. 609.02 Sub. 8 means 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.

F. **Prone restraint:** As defined in Minn. Stat. 121A.58 and for purposes of this policy, prone restraint means placing a child in a face down position.

G. **Custodial arrest:** A custodial arrest is the actual, physical restraint of a person and subsequent detention. Custodial arrest may occur with or without a warrant depending on the circumstances.

H. **De-escalation:** Refers to the methods and actions taken to decrease the severity of a conflict, whether physical or verbal in nature.

346.4 PROCEDURE

346.4.1 GENERAL CONTRACTUAL REQUIREMENTS

A. The law enforcement agency's contract with a school district or charter school shall define the SRO's duties in compliance with Minn. Stat. 626.8482, Subd. 2

1. Additional issues to be addressed in contract. The contract between the parties:

(a) Must address a mutually agreed upon policy regarding the use of plain clothes, modified uniforms, and other changes to SRO attire with the goal of fostering a positive school climate, facilitating the establishment of positive relationships with students, and promoting open communication.

(b) Shall articulate the role, if any, of the school district in the selection, vetting and retention of the SRO;

(c) Should address how the SRO will be informed of school district resources available to school staff to assist with de-escalation of conflicts in school, e.g. specialized crisis teams, mediation opportunities, etc.; and

(d) Shall establish a public notification process that an SRO will be present in the schools.

2. A school district or charter school may contract with a school resource officer's employer for the officer to perform additional duties to those described in paragraph IV.A.

346.4.2 FOSTERING A POSITIVE SCHOOL CLIMATE AND CONSTRUCTIVE RELATIONSHIPS

(a) SRO's should consider establishing a presence at times that allow opportunities to build connections and relationships.

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(b) SRO's should establish connections based upon mutual trust and respect while encouraging communication.

(c) SRO's are a resource for educating students on what concerns should be reported to a responsible adult.

346.4.3 SRO'S WORK IN COLLABORATION WITH THE SCHOOLS TO PROVIDE CAMPUS SAFETY TRAINING:

(a) Use developmentally appropriate practices that take into consideration differences in culture, language, trauma and an individual's disabilities.

(b) Use methods that help ensure school safety and security, focusing on safety over violence.

(c) Encourage students to ask questions about school safety.

346.4.4 CRISIS INTERVENTION AND DE-ESCALATION

(a) SRO's are often required to make assessments of rapidly evolving situations, analyze potential responses and act upon various levels of safety concerns. Crisis intervention and de-escalation strategies should be used whenever possible in response to crisis or safety situations. The safety of the individual, SRO's, school staff, students, and others present should not be compromised during de-escalation tactics.

(b) SRO's should understand and use developmentally appropriate principles of evidence-based crisis intervention and de-escalation strategies. These strategies include, but are not limited to:

    (a) Allow time for decisions

    (b) Avoid challenging questions

    (c) Use non-threatening nonverbal communication

    (d) Respect personal space

    (e) Be empathetic and non-judgmental

346.4.5 USE OF FORCE

If an SRO must use force in the school, the force shall comply with the agency's use of force policy and all applicable Minnesota Statutes. When force is necessary, SROs should try utilizing special tactics and techniques, including deescalation, to minimize the level of force required to render a situation safe. SROs shall also minimize the use and duration of physical restraints, including the prone restraint, on students whenever possible. When reasonable, SROs should use the least restrictive physical intervention techniques. To that end, SROs should only use the amount of force that reasonably appears necessary given the facts and circumstances perceived by the SRO at the time of the event to accomplish a legitimate law enforcement purpose.

When force is utilized on a student, as with any other use of force incident, SROs shall assess the condition of the student(s) and render aid as needed. This includes restoring the student to a non-prone or non-restrained position as soon as practical.

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Use of force considerations for SROs in the schools include:

- the immediacy and severity of the threat or potential injury to the SRO and/or bystanders,
- the conduct of the individual being confronted, as reasonably perceived by the SRO at the time,
- the personal characteristics of a subject and SRO (such as age and/or maturity, physical size, and physical abilities),
- the subject's ability to understand and/or comply with SRO commands (is the student impaired by drugs/alcohol, experiencing reduced mental capacity, or is the student known to have an education plan or accommodations?),
- the presence or proximity of weapons or dangerous improvised devices,• the degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained,
- the availability of other reasonable and feasible options and their possible effectiveness (seriousness of the suspected offense),
- the immediate need for intervention versus allowing time and distance for deescalation,
- the training and experience of the SRO,
- whether the subject appears to be resisting, attempting to evade arrest by flight, or is attacking the SRO,
- the risk and foreseeable consequences of the subject's escape,
- whether the conduct of the subject being confronted no longer reasonably appears to pose an immediate threat to [officers] or others,
- prior contacts with the subject and knowledge of their propensity for violence, and
- any other exigent circumstances.

When a criminal incident also involves a violation of school rules, SROs should consider referral of the matter to school authorities in lieu of formal criminal referral, as appropriate for the incident, the students and families involved, the victim(s) and the larger school community.Page 4 of 6 SROs should exercise age-appropriate practices when interacting with children, and developmentally appropriate practices with youth and individuals known to have physical, mental health, developmental or intellectual disabilities recognizing that the individual's disability may affect their ability to understand or comply with commands from SROs.

346.4.6 ARREST CONSIDERATIONS

As much as is reasonably practical, SROs should utilize alternatives to formal criminal charges. These alternatives include, but are not limited to, diversion and restorative justice programs. Formal charge alternatives may be used when appropriate for the incident, the students and families involved, and for victim(s) as well as the larger school community.

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Custodial arrests in school should be avoided if reasonably practical. If a custodial arrest is necessary due to exigent circumstances or other public safety concerns, if practical, the arrest should be made in a non-communal area away from the view of other students. When possible, appropriate school staff should be notified of custodial arrests prior to the arrest being conducted. If it is not possible to give school staff prior notice, the SRO should notify school staff as soon as practical after a custodial arrest has been made.

346.4.7 TRAINING

(a) Except as provided for in paragraphs 2-4 below, beginning September 1, 2025, a peace officer assigned to serve as a school resource officer must complete a training course that provides instruction on the learning objectives identified in Minnesota Statutes, section 626.8482, subdivision 4 prior to assuming the duties of a school resource officer.

(b) A peace officer who has completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Officer Basic School Resource Officer course prior to September 1, 2025, must complete the training mandated under paragraph E.1. above before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to Minnesota Statutes, section 626.8482, subdivision 4, paragraph (b), to satisfy the training requirement.

(c) Whenever practicable, it is preferable that a peace officer completes the training required under this section prior to filling the role of SRO.

    (a) However, if an officer's employer is unable to provide the required training course to the officer prior to the officer assuming the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a school resource officer. The officer is not required to perform the duties described in Minnesota Statutes, section 626.8482, subdivision 2, paragraph (a), clause (4) or (5), until the officer has completed the required training course. The officer must review any policy adopted by the officer's employer pursuant to section 626.8482, subdivision 6 before assuming the other duties of a school resource officer and must comply with that policy.

(d) An officer who is serving as a substitute school resource officer for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the duties described in Minnesota Statutes, section 626.8482 subdivision 2, paragraph (a), clause (4) or (5), but must review and comply with any policy adopted pursuant to subdivision 6 by the law enforcement agency that employs the substitute school resource officer.

(e) An SRO will complete a refresher course at a minimum of once every three years.

(f) For each school resource officer employed by an agency, the chief law enforcement officer must maintain a copy of the most recent training certificate issued to the officer for completion of the training mandated under this section.

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346.4.8 DATA PRACTICES

(a) The contract between the school district and the law enforcement agency must address data practices policies and procedures. These procedures and policies shall identify the education records that can be shared with the law enforcement agency generally and with the SRO specifically and for what purposes.

(b) Law enforcement records that contain student and parent data that are maintained by the law enforcement agency shall be governed by the agency's data practices policy and in compliance with the requirements of the Minnesota Government Data Practices Act, Minn. Stats., chapter 13, and Minnesota Rules, parts 1205.0100-1205.2000.

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ADA Compliance

347.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to St. Louis Park Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

347.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the St. Louis Park Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. This includes those who, because of a hearing, speech, or other communication disorder, cannot fully understand any charges made against them or the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31). Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

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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.

347.2 POLICY

It is the policy of the St. Louis Park Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

347.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the City ADA coordinator regarding the St. Louis Park Police Department's efforts to provide equal access to services, programs, and activities.

1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current department facilities to identify access issues.
2. Review of current department services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.

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(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

(g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

(h) Collaborating with other [city/county] departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

347.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

347.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

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(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.
2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.

(c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

347.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

347.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

347.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

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Factors to consider when determining whether an alternative method may be 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 modification reasonably appears effective under the circumstances. This may include 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. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

347.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

347.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

347.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying.

The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

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(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

(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 department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

347.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

347.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

347.5.6 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 interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

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347.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

347.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

347.6.1 STATE REQUIREMENTS

The investigating or arresting officer 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

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):

"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."

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347.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

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.

347.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

347.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

(c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

347.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

347.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures, forms, and available resources.

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(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Sergeant should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

347.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. 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 calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all Dispatch members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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Vehicle Pursuits

348.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers 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 officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (Minn. Stat. § 626.8458 Subd. 1).

The St. Louis Park Police Department is responsible for guiding its officers in the safe and reasonable performance of their duties. To accomplish these goals, this policy will guide and regulate how officers undertake and perform emergency vehicle operations. When engaged in emergency vehicle operations in the performance of official duties, drivers of emergency vehicles are granted exemptions from certain traffic laws by state statute. These exemptions are provided to help protect lives, not place them at undue risk.

348.1.1 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 officer 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 department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable, and that 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. 2 (a)(1)).

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer 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 (a)(2)).

Officers involved in a pursuit will be accountable for compliance with this policy.

348.1.2 DEFINITIONS

Definitions related to this policy include:

Vehicle Blocking - 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

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a fleeing vehicle that may occur based on circumstances. This is intended to involve no vehicle contact at all and should be used only on stopped vehicles or slow moving vehicles.

Vehicle Pin - 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 fleeing vehicle that is likely to occur based on circumstances (suspect has a history of fleeing, violent tendencies, erratic behavior, or other circumstances officers can articulate that indicate a high likelihood of fleeing). General application of this method can include stolen vehicles involved in additional criminal activity, suspect has history of fleeing, past violence and/or aggravated assaults. This method may follow an attempted blocking maneuver where the subject(s) escalate vehicle contact in an attempt to flee. A vehicle pin involves very low speed vehicle contact and should be used only on stopped vehicles or slow moving vehicles. Unless deadly force is necessary, intentional contact shall not be used on motorcycles.

Moving Roadblock - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. Note: REQUIRES SUPERVISOR APPROVAL

Pursuit Intervention Technique (PIT) - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

Ramming - The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the fleeing vehicle to stop. Note: ONLY IF DEADLY FORCE IS NECESSARY

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle. Note: REQUIRES SUPERVISOR APPROVAL

Tire deflation device (TDD) - A device that is placed in the path of a very slow moving or stopped vehicle's tires, often in conjunction with a blocking or vehicle intercept tactic, and is designed to puncture the tires of the vehicle, preventing a suspect vehicle's escape and reducing the possibility of a pursuit.

Vehicle pursuit - An event in which a peace officer attempts to apprehend a driver who ignores the signal to stop
by increasing speed, taking evasive action, extinguishing lights, and/or using other means with intent to attempt to elude a peace officer (Minn. Stat. § 609.487).

348.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

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348.3 INITIATING A PURSUIT

Officers 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, and when:

(a) The officer knows or has reasonable grounds to believe the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; or
(b) knows or has reasonable grounds to believe the suspect will cause death or great bodily harm to the peace officer or to another if their apprehension is delayed; and
(c) When there is a reasonable expectation of successfully apprehending the suspect.

State law that makes fleeing a peace officer a felony is not, by itself, justification for pursuit under this policy

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit (Minn. Stat. § 626.8458 Subd. 2(2); Minn. R. § 6700.2701):

(a) The initial decision to start a pursuit lies primarily with the officer who has initiated the vehicle stop, after considering the elements of this policy, particularly the three-part analysis based on the involvement of the use or threatened use of deadly force, above.
(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 officers, innocent motorists and others.
(c) 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.
(d) 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.
(e) Pursuing officer'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 officers under the conditions of the pursuit.
(f) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
(g) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
(h) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
(i) Age of the suspect and occupants.
(j) Availability of other resources, such as aircraft assistance.

348.4 PURSUIT UNITS

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit units and the supervisor vehicle). However, an officer or supervisor may request that additional

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units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the number of suspects.

348.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized police department vehicles that are equipped with emergency lighting and sirens as required by law (Minn. Stat. § 169.68). Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

348.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, police department motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

348.4.3 PRIMARY UNIT

The initial pursuing officer should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to themself or others (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

As soon as practicable, the primary unit should notify Dispatch of the pursuit, request priority radio traffic, and provide appropriate information including:

(a) The location, direction of travel, and estimated speed of the pursuit.

(b) The description of the fleeing vehicle, including the license plate number, if known.

(c) The reason for the pursuit.

(d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).

(e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.

(f) The suspected number of occupants and their identities or descriptions.

(g) The weather, road, and traffic conditions.

(h) The need for any additional resources or equipment.

(i) The identities of other law enforcement agencies involved in the pursuit.

(j) Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458, Subd. 2 (a)(6)).

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The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

348.4.4 SECONDARY UNIT

The second officer in the pursuit should be designated as the secondary unit and is responsible for:

(a) Notifying Dispatch of their entry into the pursuit.

(b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

(c) Identifying the need for and requesting additional resources or equipment as appropriate.

(d) Serving as backup to the primary unit once the fleeing vehicle has been stopped.

348.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual contact with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide pursuing units with details of upcoming traffic congestion, road hazards, or other information pertinent to evaluating whether to continue the pursuit. If ground units are not within visual contact of the fleeing vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend termination.

348.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following (Minn. Stat. § 626.8458, Subd. 2 (a)(3)):

(a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.

(b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.

(c) Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:

1. Request assistance from available air support.
2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
3. Request other units to observe exits available to the fleeing vehicle.

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(d) Pursuing units should request that Dispatch notify the Minnesota State Patrol and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

348.5.1 RULES OF THE ROAD

Officers shall drive with due regard for the safety of all persons and property. However, when in pursuit, if there is no unreasonable risk to persons and property, officers may (Minn. Stat. § 169.03; Minn. Stat. § 169.17):

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the speed limit.

(c) Disregard regulations governing direction of movement or turning in specified directions.

348.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, officers are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the police department vehicle.

Other than clearing intersections along the pursuit path, uninvolved officers should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing officers and officers who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Officers should not parallel the pursuit route.

348.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for (Minn. Stat. § 626.8458, Subd. 2 (a)(4)):

(a) Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.

(b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.

(c) Confirming that no more pursuing units than required are involved in the pursuit.

(d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.

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(e) Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.

(f) Requesting additional assistance from air support, canines, or other resources, if available and appropriate.

(g) Verifying that the proper radio channel is being used.

(h) Confirming the Duty Sergeant has been notified of the pursuit.

(i) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.

(j) Continuing the management and control of St. Louis Park Police Department units when a pursuit enters another jurisdiction.

(k) Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

348.6.1 DUTY SERGEANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Duty Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Duty Sergeant has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

348.7 DISPATCH

Radio communications during a pursuit should be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

348.7.1 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for (Minn. Stat. § 626.8458, Subd. 2 (a)(4)):

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Duty Sergeant as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

348.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably

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expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458, Subd. 2 (a)(5)).

348.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the St. Louis Park Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

348.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Officers from this department should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the St. Louis Park Police Department, the Duty Sergeant or supervisor should review the request as soon as practicable, taking into consideration:

(a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.

(b) Whether there is adequate staffing to continue the pursuit.

(c) The available units' capabilities to maintain the pursuit.

(d) The number of available units and other resources of the pursuing agency.

Assistance to a pursuing agency by officers of this department should terminate at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department should continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

348.9 PURSUIT PREVENTION AND INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through such examples as tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. Not all of these are permitted by this policy without supervisor approval or in all cases. (SEE DEFINITIONS ABOVE).

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Any pursuit prevention (aimed at preventing a fleeing vehicle) or intervention tactic (once a pursuit has commenced), depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of tactics may be construed to be a use of force, including deadly force, and are subject to Department policies guiding such use. Officers shall consider their level of training, and these facts and requirements prior to deciding how, when, where and if a prevention or intervention tactic should be employed.

(A) Prevention Standards

1. Vehicle Blocking and/or Pinning: A vehicle blocking maneuver may transition into a pinning situation based on the suspect driver's responses (car put in gear, aggressive movements, attempts to push/move police vehicles). Vehicle pinning should only be considered in cases involving drivers who pose a threat to public safety when officers 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 after giving consideration to the seriousness of the crime involved and the following:

(a) Whether the vehicle is occupied or not

(b) A comparison of the need to immediately stop the suspect vehicle, or prevent it from leaving, to the risks of injury or death to vehicle occupants, the officer(s), or other people nearby. Officers should use caution and
avoid positioning their vehicles in a manner that puts their own safety at risk when employing this tactic.

(c) The use of the tactic appears likely to be effective in preventing a fleeing vehicle.

(d) Employing the blocking maneuver does not unreasonably increase the risk to officer safety or the public in general.

(e) The target vehicle is stopped or traveling at a very low speed at the time of initiation.

(f) At no time should commandeered civilian vehicles be used to deploy this technique, nor should their owners/drivers be commanded to use their vehicles in this way.

(g) If a suspect vehicle escapes after a pinning maneuver, the officer's decision to initiate a pursuit must still meet the requirements under "When to Initiate a Pursuit," above. Mere vehicle contact caused by the escaping
driver may not meet these standards.

2. Tire Deflating Devices (TDDs) or Spike strips should be deployed to prevent pursuit situations and when it is reasonably apparent that only the involved suspect vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the suspect vehicle.

a) If a TDD is used and the vehicle starts to or continues to flee the officer must follow policy on when to initiate and or continue a pursuit. The use of a TDD does not change the requirements of, "When to Initiate a Pursuit,"
above.

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(b) Tire deflation devices shall not be used to stop motorcycles, mopeds, or similar two- or three wheeled vehicles unless use of deadly force is justified.
(c) The device should be removed immediately after the threat has diminished.
(d) It is the responsibility of the officer deploying the device to maintain security of the device and the safety of the public.
(e) TDDs shall not be used on vehicles believed by the officer to be traveling over 15 mph due to the rapid speed of tire deflation.
(f) Deployment of the TDD on parked vehicles, lawfully stopped vehicles or slow moving vehicles is authorized to avoid the potential for a vehicle to flee and/or pursuit to start.

(g) Officers do not need supervisor approval before deploying TDD(s).

(B) Intervention Standards
1. Pursuit Intervention Technique (PIT): Only those officers trained in the use of the PIT will be authorized to use this procedure and only then upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(a) This strategy is used to attempt to terminate a pursuit. The department's primary concern in a pursuit is the safety of the public and our efforts will be directed toward stopping the pursued vehicle as quickly as possible.
The department's intent in allowing the use of the PIT procedure is to shorten the pursuit and reduce the risk to the public. The officer(s) must consider their own safety, the safety of the public, and the safety of the
violator in determining the location to apply the PIT procedure in order to terminate the pursuit. Officers shall articulate the reason for employing the PIT procedure in the report of the pursuit.
(b) All officers authorized to pursue violators will receive, and successfully complete PIT training.

2. Ramming: Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer'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 officers 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:

(a) The suspect is an actual or suspected felon, who reasonably appears to represent a serious and immediate threat of harm or death to the public if not apprehended.
(b) 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.
(c) If there does not reasonably appear to be a present or immediately foreseeable serious threat of harm or death to the public, the use of ramming is not authorized.

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3. Moving Roadblock: Pursuing officers shall 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 officers, the public and occupants of the pursued vehicle. This intervention tactic requires supervisor approval.

4. Roadblocks: Roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop.

(a) 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, officers or other members of the public

(b) The location should be chosen to minimize the potential of injury. In addition, there should be sufficient sight distance to allow a fleeing driver to safely stop before colliding with the vehicles used in the roadblock. Other factors to consider include lighting, road configuration, and amount and direction of traffic. Vehicles used in a roadblock must not be occupied.

348.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, officers should consider factors such as:

(a) Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.

(b) Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying officer to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.

(c) Cover - Deployment should occur in a location that provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.

(d) Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.

(e) Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.

(f) Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

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Because of the risks to deploying officers, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

348.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper.

Before conducting a PIT, officers should consider factors such as:

(a) Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or officer losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the officer has received training.

(b) Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.

(c) Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.

(d) Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.

(e) Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

348.9.3 BOXING-IN

Boxing-in should only be used when the fleeing vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

348.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

348.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

348.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually re-evaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information

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becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when (Minn. Stat. § 626.8458, Subd. 2 (a)(2)):

(a) A supervisor directs the pursuit to be terminated.

(b) The location of the fleeing vehicle is no longer known.

(c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.

(d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

348.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

348.10.2 APPREHENSION OF SUSPECTS

Officers should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, an officer other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

348.11 DEBRIEFING

Participating officers should return to the Department as soon as practical following a pursuit to debrief with a supervisor.

348.12 REPORTING REQUIREMENTS

Appropriate reports should be completed as required by applicable laws, policies, and procedures (Minn. Stat. § 626.8458, Subd. 2 (a)(7)).

(a) Pursuing officers should complete appropriate crime/arrest and pursuit reports.

(b) The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Chief of Police or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum (Minn. Stat. § 626.5532):

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1. Date and time of the pursuit.
2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.

After receiving copies of the written notification, reports, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Chief of Police should direct an annual documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of officers, suspects, or case numbers.

348.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS

The Records Supervisor shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. § 626.5532).

348.13 PURSUIT TRAINING

The Training Sergeant should ensure that members of this department receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., officers, supervisors, air units, dispatchers).

Officer training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

348.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS

The Training Sergeant 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).

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348.14 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).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of St. Louis Park, 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.

Patrol 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 safety/security assessments , business safety/security assessments, 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 Patrol and other division within the Department, 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.

400.1.2 TERRORISM

It is the goal of the St. Louis Park Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers 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 Investigations Division Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various divisions of the St. Louis Park Police Department.

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400.2.1 PUBLIC SAFETY INFORMATION UNIT
The Public Safety Information (Investigations) Unit will be the central unit for information exchange. Criminal information and reports can be submitted to the Department through recurring and special bulletins.

400.2.2 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS
Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits. Multiple daily roll call briefings will occur on a schedule established by the Patrol Lieutenant and all department members on duty are strongly encouraged to attend.

400.3 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers 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. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws and consult with a supervisor, 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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Impartial Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the St. Louis Park Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

This also includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It 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).

401.2 POLICY

It is the policy of the police department to reaffirm our commitment to impartial policing and to reinforce procedures that serve to assure the public we are providing service and enforcing laws in a fair and equitable manner to all.

The St. Louis Park Police Department is committed to providing law enforcement services to the community without regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

Policing impartially, not racial profiling, is standard procedure for this agency, meaning:

(a) 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

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Constitution and peace officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures;

(b) 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

(c) 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, weight, or other physical characteristics about specific suspects.

401.4 MEMBER RESPONSIBILITIES

Duty to report: Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 INFORMATION TO BE PROVIDED

Officers 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 officer 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 and apologize (e. g. after an investigatory stop).

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(f) When requested, provide their name and badge number and identify this department during routine stops. Generally, this should be done by providing the person the officer's business card.

(g) When requested, officers should inform a member of the public of the process to file a misconduct complaint for bias-based policing against a member of the Department.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

(a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.

    (a) Supervisors should document these discussions, if they take place, in the prescribed manner.

(b) Supervisors may periodically review audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    (a) Supervisors should document these periodic reviews, if conducted.

    (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Each year, a review should be conducted of the efforts of the Department to provide fair and objective policing and needed information, including public concerns and complaints, supplied to the Chief of Police. This information should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review shared information on Department efforts to provide fair and objective policing and discuss the results with those they are assigned to supervise.

Violations: Alleged violations of this policy must be reported to POST in accordance with the reporting requirements in Minn. Stat. 626.8457.

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

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(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

401.7.1 ADDITIONAL TRAINING REQUIREMENTS

The Training Sergeant should ensure that Board of Peace Officer Standards and Training (POST) approved in-service training is provided to officers on recognizing and valuing community diversity and cultural differences, including implicit bias, as required by Minn. Stat. § 626.8469, Subd. 1.

The Chief of Police and supervisors should receive and review training materials prepared by POST on how to detect and respond to racial profiling (Minn. Stat. § 626.8471, Subd. 7).

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Roll Call Training

402.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call. However, officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives.

(d) Notifying officers about outreach events and community engagement opportunities taking place, to encourage attendance and build strong connections.

(e) Reviewing recent incidents for training purposes.

(f) Providing training on a variety of subjects.

Officers shall be on-time and present as scheduled at roll calls and be attentive to material presented, including by outside agency personnel, city officials, community members, and others.

402.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call, or the officer if the supervisor is unable to participate in a group briefing session, is responsible for collection and preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Roll Call training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records as appropriate.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the St. Louis Park Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 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) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers 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 continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it is always recommended to obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any licensed member of this department 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(c)).

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Emergency Response Units (SWAT and CNT)

404.1 PURPOSE AND SCOPE

The Emergency Response Units are comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The units have been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Emergency Response Units are 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 department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINITIONS

SWAT team - A designated unit of law enforcement officers, possibly including a multi-jurisdictional team, that is 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 or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department 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.

(a) High Risk Search Warrants: Any warrant where:

1. A potentially violent person(s) may be present or there is a probable need for forced entry.
2. Dangerous weapons are believed to be present.
3. Special tactics or equipment is needed.
4. It is not necessary to have all three criteria in order to be called high risk.
5. SWAT personnel will be called out for all high risk warrants.

(b) Medium Risk Search Warrants: Any warrant in which the risk factors are too great for a low risk designation, but not enough to justify as high-risk. SWAT personnel may be called out for medium risk warrants.

(c) Low-Risk Search Warrants: Any warrant where:

1. It is known that there are no occupants that present an identified safety risk in the place to be searched, such as possession of weapons or violent history.
2. There no known presence of dangerous weapons of any kind.

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3. The involved suspect(s) has no known violent history.
4. The location of the search is such that a small number ofofficers can execute the warrant safely (e.g., at a financial institution for records).
5. SWAT personnel will not be called out for "low-risk" warrants.

(d) Non Immediate Situations: Planned demonstrations, strikes, dignitary protection, or other high risk or medium risk situations where there is time for planning prior to the situation.

(e) Immediate Situations: Incidents of high risk barricaded suspects, high risk hostage situations, active shooters, building or open field searches for armed suspect(s), quickly escalating and / or violent civil disobedience, natural disaster, or other situations where events dictate an immediate response by the SWAT.

404.2 POLICY

It is the policy of this department to provide the equipment, personnel, and training necessary to maintain a SWAT team. The SWAT 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 innocent human life is paramount.

404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team’s capabilities and limitations and should be reviewed annually by the SWAT commander or designee.

404.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate set of organizational 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.

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(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.

404.2.3 OPERATIONAL PROCEDURES

This department 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 SWAT Best Practices. Because such procedures are specific to SWAT 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 SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. 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 SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether a warrant should be regarded as high risk.

(g) 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.

(h) Post-incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.

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3. Debriefing after every deployment of the SWAT 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 officers 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.

(i) Sound risk management analysis.

(j) Standardization of equipment.

404.3 TRAINING NEEDS ASSESSMENT

The SWAT/SWAT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

404.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved Basic SWAT Course or its equivalent.

(a) 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 Department.

404.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

404.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a department-approved SWAT commander or tactical commander course or its equivalent.

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404.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT commander. The SWAT commander may conduct other regular 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 SWAT member shall perform a physical fitness test annually, according to the schedule set by the Chief of Police or designee. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. On or around 90 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. SWAT supervisors, in consultation with the SWAT commander, may provide extensions to this re-testing time period for special circumstances that arise.

(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 60 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 60-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require the officer to seek remedial training from a Range Officer or Equipment Sergeant approved by the SWAT commander. Team members who fail to qualify will not be used in SWAT 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) Quarterly each SWAT team member shall perform a mandatory SWAT qualification course for the department issued rifle used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a Range Officer or Equipment Sergeant approved by the SWAT commander. Team members who fail to qualify on their department issued rifle may not utilize the weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with the department issued rifle within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular weapon.

Training for members of the SWAT shall be conducted on a regular basis. All team members shall give these training sessions the highest priority. Any SWAT member unable to attend a scheduled training session shall receive prior approval for an excused absence from the SWAT supervisor. The SWAT supervisor shall keep records of all training sessions. Scheduled training sessions should include lecture, demonstrations, practical exercises, review/critique.

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(a) At various times, SWAT members may be assigned to prepare specified areas of training based upon personal interests, training, or qualifications.

(b) SWAT members shall be cross trained in all tactical functions. The sniper will be the only specialist position. Team functions shall include:

1. **Entry Team:** Will provide for the clearing of designated danger areas, establish direct line communications to the incident scene, and perform entry into the objective.
2. **Chemical Munitions Delivery / Perimeter Team:** Will maintain the inner perimeter, deliver chemical ammunitions upon the command of the SWAT supervisor, and account for the number and types of ammunitions deployed.
3. **Sniper:** Shall position themselves to best contain and observe the suspect(s), provide weapons cover for the inner perimeter, and deliver controlled and selected firepower when deadly force is authorized by state law and Department policy.
4. **Ready Reaction Team:** Shall take into custody all high risk persons and safely turn over all suspects to on duty officers for completion of the arrest / booking process.

404.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.3.6 SCENARIO-BASED TRAINING

SWAT teams 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.

404.3.7 TRAINING DOCUMENTATION

Individual member training shall be documented and records maintained by the Training Section and team training records may be maintained separately. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.4 UNIFORMS, EQUIPMENT AND FIREARMS

404.4.1 UNIFORMS

SWAT teams from this department 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.

404.4.2 EQUIPMENT

SWAT teams from this department should be adequately equipped to meet the specific mission(s) identified by the Department.

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404.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources should be Department-issued or approved, including any modifications, additions or attachments.

404.4.4 OPERATIONAL READINESS INSPECTION
The commander of the SWAT team shall appoint a SWAT Supervisor or designee to perform an operational readiness inspection of all unit equipment at least annually. The results of the inspection will be forwarded to the SWAT 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 SWAT vehicle.

404.5 MANAGEMENT/SUPERVISION OF SPECIAL WEAPONS AND TACTICS
The commander of the SWAT shall be selected by the Chief of Police upon recommendation of Staff.

404.5.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Patrol Division Commander, the Special Weapons and Tactics shall be managed by a lieutenant.

404.5.2 TEAM SUPERVISORS
The Crisis Negotiation Team and SWAT team will each be supervised by at least one sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by Staff and the SWAT Commander.

The following represent the supervisor responsibilities for the Special Weapons and Tactics.

(a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the SWAT Commander.

(b) The SWAT team supervisor'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 SWAT Commander.

404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES
The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.6.1 SELECTION OF PERSONNEL
Interested licensed personnel, who are off probation and meet all selection requirements, shall submit a request to the designated sergeant(s) when an opening is announced. Qualified applicants will then be invited to an oral interview. The oral board may consist of the SWAT

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Commander, current members of the CNT, at least one CNT supervisor, SWAT supervisors, and/or members of CNT groups from neighboring agencies. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

Peer input from current CNT team members will also be gathered. Current team members will rate candidates based on perceived skills crucial to CNT work.

The oral board shall submit a list of successful applicants, along with recommendations, to staff for final selection.

404.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Crisis Negotiation Team should attend a department-approved Basic Negotiators Course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training that is necessary to maintain proper skills. This will be coordinated by the team supervisor.

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 team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team 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.

The following procedures serve as directives for the administrative operation of the SWAT team.

404.7.1 SELECTION OF PERSONNEL

Interested licensed personnel who are off probation shall submit a request to the designated sergeant(s) or command staff member. Those qualifying applicants will then be invited to

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participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, physical agility test, and a SWAT firearm and team evaluation.

(a) Final determination as to assignment to the SWAT is the decision of the Chief of Police.

(b) Minimum Requirements:

1. All officers will have at least two years of police experience and a minimum of one year with the St. Louis Park Police Department
2. All officers will be of a physical condition that they:
   (a) Can perform assigned training exercises.
   (b) Have no recurring physical disabilities that could hinder their performance.
3. All officers shall demonstrate a high level of proficiency with special equipment utilized by the SWAT.
4. All officers must demonstrate the ability to:
   (a) Work well under pressure.
   (b) Possess sound judgment.
   (c) Exercise such sound judgment decisively and within the time constraints of a tactical incident.
   (d) Be able to work well with all other team members.
   (e) Maintain an above satisfactory performance evaluation.

(c) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance.
2. Demonstrated good judgment and understanding of the critical role of a SWAT member.
3. Special skills, training or appropriate education as it pertains to this assignment.
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to staff by the SWAT Commander and Chief of Police for final selection.

404.7.2 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 SWAT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT

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team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.8 OPERATIONAL GUIDELINES FOR SPECIAL WEAPONS AND TACTICS

The following procedures serve as guidelines for the operational deployment of the Special Weapons and Tactics. Generally, the SWAT team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the SWAT Commander.

404.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Special Weapons and Tactics should respond. Upon final determination by the Duty Sergeant, he/she will notify the SWAT Commander.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF SPECIAL WEAPONS AND TACTICS

The following are examples of incidents that may result in the activation of the Special Weapons and Tactics:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages have been taken.

(c) Cases of suicide threats that present a serious danger of great bodily harm or death to others.

(d) Arrests of dangerous persons.

(e) Any situation where a SWAT response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

404.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Duty Sergeant. Deployment of the St. Louis Park Police Department Special Weapons and Tactics in response to requests by other agencies must be authorized by a Division Commander.

404.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the St. Louis Park Police Department SWAT team shall operate under the policies and procedures of the St. Louis Park Police Department when working in a multi-agency situation.

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404.8.5 MOBILIZATION OF SPECIAL WEAPONS AND TACTICS

The on-scene supervisor shall make a request to the Duty Sergeant for the Special Weapons and Tactics to respond. The Duty Sergeant shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Duty Sergeant's office by the SWAT Commander. The Duty Sergeant will then notify the Patrol Division Commander as soon as practicable. The Watch Commander should also be notified, in the event that the SWAT commander is not serving in this capacity.

The Duty Sergeant should advise the SWAT Commander with as much of the following information as is available at the time:

(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 officers involved.

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The SWAT Commander or supervisor shall then call selected officers to respond.

Procedure 404 details SWAT call-out steps and response to immediate and non-immediate situations: St. Louis Park PD Procedures Manual: 404.2 SWAT UNIT CALL-OUT

404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Weapons and Tactics, 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) Establish an arrest/response team. The team's actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the SWAT Commander on the situation.

(g) Plan for and stage anticipated resources.

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404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Weapons and Tactics, the Incident Commander shall brief the SWAT Commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the Special Weapons and Tactics. Once the Incident Commander authorizes deployment, the SWAT 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 Special Weapons and Tactics. The Incident Commander and the SWAT Commander or designee shall maintain communications at all times.

404.8.8 COMMUNICATION WITH SPECIAL WEAPONS AND TACTICS PERSONNEL

All of those persons who are non-Special Weapons and Tactics personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWAT personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team sergeant or designee, in most cases relayed by the command and tactical laisons.

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Ride-Along Policy

405.1 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.

405.1.1 ELIGIBILITY

The St. Louis Park Police Department Ride-Along Program is offered to residents, students and those employed within the City. 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 (written permission may be given by a juvenile's parents).
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week. The ride-along times are from 8:00 am to Midnight (8:00 am to 11:00 pm for persons under 18 years of age). Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander or Duty Sergeant.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Lieutenant. 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 Patrol Lieutenant 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 Duty Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs should generally not be allowed to ride no more than once every 12 months. An exception would apply to the following: cadets, Explorers, chaplains, Reserves, police applicants and all others with approval of the Duty Sergeant.

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An effort will be made to ensure that no more than one civilian will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets and CSOs are covered in elsewhere in this policy manual, in sections dealing with these employees.

405.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in business casual clothing 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 police vehicle. The Duty Sergeant or field supervisor may refuse a ride-along to anyone not properly dressed. People approved to ride along may not make audio/video recordings or take photos during the ride along without the approval of the Chief of Police or designee.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Duty Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 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 St. Louis Park Police Department).

405.3 OFFICER'S RESPONSIBILITIES

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along participant at all times.

Officers 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 police unit 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 Duty Sergeant.

The Patrol Lieutenant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Patrol Lieutenant with any comments that may be offered by the officer.

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405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct the participant in the conditions that necessarily limit participation. These instructions should include:

(a) The ride-along participant will follow the directions of the officer.

(b) The ride-along participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along participant may terminate the ride at any time and the officer may return the observer to his/her home or to the station if the ride-along participant interferes with the performance of the officer's duties.

(d) The officer 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 officer's duties.

(e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(f) Officers will not allow any ride-alongs 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.

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Hazardous Material Response

406.1 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 department.

406.1.1 HAZARDOUS MATERIAL DEFINED

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.

406.2 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 he/she is 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 by placard, driver’s manifest or statements from the person transporting the material

(b) Notify the 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.

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406.3 REPORTING EXPOSURE(S)

Department 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 an employee memorandum that shall be forwarded via chain of command to their Division Commander. 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.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

406.4 POLICY

It is the policy of the St. Louis Park Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those employees responding to such incidents.

406.5 TRAINING

The Training Sergeant should ensure initial and annual refresher training in hazardous material awareness is provided to employees who may encounter an emergency involving hazardous materials in the course of their duties.

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Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

It is the policy of the St. Louis Park Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATION

A supervisor with probable cause to believe that a person is being unlawfully confined may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a suspect (Minn. Stat. § 609.774).

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407.4 FIRST RESPONDER CONSIDERATION

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

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(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Communications and Marketing Manager.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- Coordinate pursuit or surveillance vehicles and control of travel routes.
- Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

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- Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Communications and Marketing Manager.
- If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- Hostage-takers' demands for weapons or police officers exchanged for hostages will be refused.
- Deadly force is authorized only according to state statute and the deadly force section of the policy manual.

407.5 SUPERVISOR RESPONSIBILITY

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Communications and Marketing Manager or a designated temporary media representative provide media access in accordance with the Media Relations Policy

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

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407.6 CRISIS RESPONSE UNIT INVOLVEMENT

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the CNT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee 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 evacuation, media access and support for the SWAT. The Incident Commander and the CNT Commander, team sergeant(s), or the authorized designee shall maintain communications at all times.

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the St. Louis Park Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such 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 should always be the primary consideration.

408.2 POLICY

It is the policy of the St. Louis Park Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Duty Sergeant is immediately advised and informed of the details. This will enable the Duty Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning. The St. Louis Park Fire Department will be notified immediately on all bomb incidents, but will not respond to the scene unless a suspect device is located or there is other need for their presence.

A police supervisor shall respond to the scene of all bomb threats or suspected bomb calls.

408.3.1 DUTIES OF DISPATCHERS

(a) Dispatch a district car and supervisor to the scene using the designated 10-code. Generally this will be "10-35."

(b) Communications will notify the fire department.

(c) Communications will notify other personnel as needed.

(d) At no time shall the words "bomb" or "explosive device" be used over the police radio, except in extreme emergencies.

408.3.2 SEARCH CONSIDERATIONS

If a search is to be undertaken, the following considerations should be observed:

(a) Windows and doors should be left open, as this will dissipate any blast and facilitate searching.

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(b) Persons who are evacuated should be moved well away from the building and kept clear of glass.

1. If the suspected bomb is outside, persons should be kept at least twelve hundred feet from the scene.
2. If the suspected bomb is inside a substantial building, the greatest danger is from flying glass.

(c) Request that the building engineer or janitor standby with the master keys.

(d) Persons working at the location are familiar with most items and would readily recognize anything that did not belong. Officer / employee teams are the best search units.

(e) Search the outside of the building first, paying special attention to the following:

1. In plantings or piles of grass or leaves.
2. Any vehicles parked next to the building.
3. Trash cans.

(f) Search the inside of the building from the bottom up.

1. First check public areas and facilities including hallways, lobbies, stairways, restrooms, etc., which are readily available for the concealment of an explosive device.
2. Check areas including furnace rooms, storage areas, elevator shafts, etc., which normally are not heavily used and provide the opportunity to hide an explosive device secretly in a place that could cripple the operations of a building.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 ST. LOUIS PARK POLICE DEPARTMENT FACILITY

If the bomb threat is against the St. Louis Park Police Department facility, the Duty Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR GOVERNMENT FACILITY OR PROPERTY

If the bomb threat is against a county or government facility within the jurisdiction of the St. Louis Park Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Duty Sergeant deems appropriate.

408.4.3 FEDERAL BUILDING OR PROPERTY

Federal facilities or offices may currently exist or may be established in St. Louis Park in the future. If the bomb threat is against a federal building or property, the Federal Protective Service should

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be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation, if established in St. Louis Park,should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of St. Louis Park, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat and its specific location in the facility, if known.

(c) Whether the type and detonation time of the device is known.

(d) How the notifying individual became aware of the threat or suspected bomb.

(e) Whether the facility is occupied, and if so, the number of occupants currently on-scene.

(f) Whether the individual is requesting police assistance at the facility.

(g) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Duty Sergeant is immediately notified so that they can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Duty Sergeant should be notified when police assistance is requested. The Duty Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Duty Sergeant determine that the Department will assist or control such an incident, they will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

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(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) Contact the Minnesota Duty Officer, 800-422-0798, to dispatch a trained bomb squad.

(b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(c) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(d) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(e) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(f) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(g) A safe access route should be provided for support personnel and equipment.

(h) Search the area for secondary devices as appropriate and based upon available resources.

(i) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(j) Promptly relay available information to the Duty Sergeant including:

1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should immediately establish a unified command and consider the following actions:

(a) Assess the scope of the incident, including the number of victims, extent of injuries, and the potential for secondary explosive devices.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department (Should be done in all cases)
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Duty Sergeant
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Duty Sergeant should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Civil Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual in protective custody, have an individual transported to an appropriate facility, and request a 72-hour hold under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.051).

409.2 POLICY

It is the policy of the St. Louis Park Police Department to protect the public and individuals through legal and appropriate use of the 72-hour hold process.

409.3 AUTHORITY

An officer, having probable cause to believe that any individual because of mental illness, 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 an appropriate treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.051, Subd. 1).

The officer shall make written application for admission of the individual to an appropriate treatment facility. The application shall contain the officer'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 officer shall also provide the department contact information for purposes of receiving notice if the individual is released prior to the 72-hour admission or leaves the facility without consent. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.051, Subd. 1).

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 72-hour hold, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers 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.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the application for a 72-hour hold, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 72-hour hold 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.

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(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 officers from taking reasonable action to ensure the safety of the officers and others.

409.5 TRANSPORTATION

Transport for any individual for a 72-hour hold shall be conducted in accordance with the Transporting Persons in Custody Policy.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 72-hour hold and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer 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 officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer 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 officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of a 72-hour hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a 72-hour hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer 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 72-hour hold.

(c) Facilitate the individual’s transfer to jail.

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(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 72-hour hold.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a 72-hour hold, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers 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 (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody. Return of firearms taken into police custody requires a review by the Sergeant handling property room oversight and approval of the Chief of Police or designee in writing. This process may take at least 3-4 weeks to complete, depending on availability of information, so predictions about the time of release of firearms in such circumstances should not be made by officers. The need for evidence-related processing of firearms (DNA, fingerprints, etc.) will significantly delay this timeline and firearm owners should be notified as such.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with a mental disability, 72-hour holds, and crisis intervention.

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Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the St. Louis Park Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

This policy also provides guidance on when a court orders that a person be released.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

410.2 POLICY

The St. Louis Park Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

410.3 RELEASE

A suspected offender shall be released on issuance of a citation or pending charges by formal complaint, if applicable:

(a) When the offender has been arrested without a warrant and either a prosecutor or district court judge orders that the offender should be released (Minn. R. Crim. P. 4.02; Minn. R. Crim. P. 6.01).

1. Release is not required if a reviewing supervisor determines that the offender should be held pursuant to Minn. R. Crim. P. 6.01 Subd. 1.

(b) When the offender is charged with a petty or fine-only misdemeanor (Minn. R. Crim. P. 6.01).

(c) In misdemeanor cases unless it reasonably appears to the arresting officer that the offender will (Minn. R. Crim. P. 6.01):

1. Cause bodily injury to him/herself or another if he/she is not detained.
2. Continue engaging in criminal conduct.
3. Not respond to a citation.

(d) When the offender is from another state which has a reciprocal agreement with Minnesota unless the offense is (Minn. Stat. § 169.91):

1. One which would result in the revocation of the offender’s driver’s license under Minnesota law upon conviction.
2. A violation of a highway weight limitation.
3. A violation of a law governing the transportation of hazardous materials.
4. That the offender was driving without a valid driver’s license.

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410.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

(a) The offender has committed a driving while impaired (DWI) offense (Minn. Stat. § 169A.40; Minn. Stat. § 169.91).

(b) The offender is arrested for a violation of state law or an ordinance related to the operation or registration of a vehicle punishable as a misdemeanor or felony and (Minn. Stat. § 169.91):

1. The offender demands an immediate appearance before a judge.
2. The offender is charged with:
    (a) An offense involving an accident that resulted in injury or death.
    (b) Criminal vehicular homicide.
    (c) Failure to stop after being involved in an accident that resulted in death, personal injuries or damage to property.
3. There is reasonable cause to believe that the offender may leave the state.

See the Domestic Abuse Policy for release restrictions related to those investigations.

410.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual's ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

410.6 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES

In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, officers should release the offender unless there is reason to believe that criminal conduct will continue or that the offender will not respond as required by the citation (Minn. Stat. § 97A.211).

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Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the St. Louis Park Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The St. Louis Park Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that their claim will be investigated and they may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations.
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers.

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

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(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment / Active Shooter

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

412.2 POLICY

The St. Louis Park Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

It is the policy of the St. Louis Park Police Department to protect life by any legal means possible. Officers responding to an active shooter incident shall accomplish this goal by immediately using any legal means at their disposal to make contact with the active shooter and stop them. This may include arrest, containment, and use of deadly force.

(a) The philosophy of this policy recognizes that the active shooter must be stopped before they can take any more innocent lives. Stopping the active shooter shall be the duty and responsibility of the initial responding officers and they shall use all legal means to accomplish it. The prioritization of activities in order of their importance is:

1. Stop the active shooter(s).
2. Rescue the victim(s).
3. Provide medical assistance.
4. Preserve the crime scene.

(b) While it is important to provide medical treatment to the wounded, it is our duty as law enforcement officers to first protect all innocent life by stopping the actions of the active shooter.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 DEFINITIONS

(a) **Active Shooter**: One or more subjects who participate in a random or systematic shooting spree, demonstrating their intent to continuously harms others.

(b) For purposes of this policy, the term active shooter will also include anyone who uses any other deadly weapon (e.g. knife, club, bow and arrow, explosives, inflammables, etc.) to randomly or systematically inflict death or great bodily harm on people.

412.4 CONSIDERATIONS

When dealing with a crisis situation members should:

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(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.4.1 SUPPRESSIVE FIRE

1) Suppressive fire towards the active shooter may be necessary, especially if they have gained an advantage by height or barricade.

2) Suppressive fire towards the position of an active shooter is permissible, so long as it appears that no innocent victims are in the line of fire.

412.5 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers 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.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

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(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.5.1 OPERATIONAL STANDARDS FOR RAPID/ACTIVE SHOOTER RESPONSE
All enforcement personnel who are not on an emergency call shall respond to the scene of an active shooter incident.

(a) **Contact Team:** The first responding officers shall form a contact team and go in immediate pursuit of the active shooter. The focus is to make contact as soon as possible and stop the active shooter by arrest, containment, or use of deadly force. The team will be subject to three hundred sixty degree vulnerability and will not do a thorough clearing. They will continue past victims or harmless distractions (e.g. hysterical people, etc.). The location of the victims may be relayed to the rescue team.

(b) **Rescue Team:** The second set of four officers arriving on the scene will form a rescue team. They will locate and remove injured victims and direct uninjured victims out of the building. Rescue team members should remember that uninjured victims may, nonetheless, be in shock or paralyzed with fear, and not respond to regular verbal commands. Rescue team members are to remain constantly vigilant as the rapidly changing dynamics of the incident may put them in contact with the suspect and that they too are subject to 360-degree vulnerability. If a SWAT team member(s) is/are on either the contact team or rescue team, they will assume the role of leader. If either team encounters a suspected explosive device, they must use their own judgment as to posting an officer near it or reporting, marking, and bypassing it. Officers should make entry at a location other than the main entrance, if possible, as this is the place where a suspect might logically set up barricades, explosives, or an ambush. All personnel are to restrict their use of the radio for emergency traffic only.

(c) **Incident Command:** The first command officer on the scene, who is not part of a contact or rescue team, will be the incident commander and will establish a command post.

1. They shall choose a safe staging area out of sight for arriving personnel.
2. Inform the communications center to initiate a SWAT response.
3. Form additional contact and rescue teams, as necessary.
4. Call for mutual aid from other agencies, as necessary.
5. Appoint/contact the media relations officer and group the media in a safe location.
6. Arrange a safe staging area for medical units and treatment of the injured.
7. Post additional responding officers to guard crime scenes.

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8. Call for investigators (including from regional/state agencies), crime lab, and any other resources at their disposal to bring the incident to a conclusion.
9. Notify the Chief of Police, Deputy Chief and other lieutenants at the first possible opportunity.

412.6 PLANNING

The Chief of Police, along with the other command staff members, should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

412.7 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the St. Louis Park Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the St. Louis Park Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status. It is the policy of the St. Louis Park Police Department that officers do not inquire about immigration status unless there is a legal reason to do so. (i.e., Booking, consular notification, alleged criminal offense, etc.)

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Minnesota constitutions.

413.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

Detentions solely to verify immigration status are prohibited.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, likely associated with a warrant, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual for a criminal immigration violation, the supervisor should attempt to confirm and verify any associated warrants or detainers.

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a county jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts. Generally, transportation services will not be provided for criminal immigration violations where the department is not the arresting agency. Requests to transport anywhere other than the Hennepin County Jail are discouraged and require supervisor approval.

413.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division supervisor assigned to oversee the handling of any related case. The Investigations Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

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(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.9 TRAINING

The Training Sergeant should ensure officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

1. **Criminal immigration violations** can include entering the country illegally, possessing confirmed forged or altered immigration documentation, and verifiable information about criminal violations received from Federal immigration authorities.

2. **Civil immigration violations** can include remaining in the country beyond what is a legal period of time after a legal entry into the United States.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Emergency Utility Service

414.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

414.1.1 BROKEN WATER LINES

If a break occurs on a City water main, emergency personnel should be called as soon as practicable by Dispatch.

414.1.2 ELECTRICAL LINES

When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

414.1.3 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

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Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

415.2 POLICY

It is the policy of the St. Louis Park Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

415.4 INJURIES AND CASUALTIES

.Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings. The NTSB emergency reporting number is **844-373-9922.**

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415.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the City of St. Louis Park shall be documented in a police report. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of SLPPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

(a) **Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).**

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

415.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

415.9 MEDIA RELATIONS

The Communications and Marketing Manager (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training Officer Program

416.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures, and operations of the St. Louis Park Police Department. The policy addresses the administration of field training and the selection, supervision, training, and responsibilities of the Field Training Officer (FTO).

416.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry-level and lateral police officers in the application of their previously acquired knowledge and skills.

416.2.1 SELECTION PROCESS AND QUALIFICATIONS

FTOs will be selected based on the following requirements.

(a) **QUALIFICATIONS OF A TRAINING OFFICER:**

1. Be an officer with considerable patrol experience. Emphasis shall be placed upon selecting officers with a broad range of police experiences.
2. Consistently demonstrates a commitment to our department's mission, operating philosophy, and core values.
3. Possess the technical knowledge necessary for the successful performance of the patrol officer's job. The police training officer shall be particularly adept at preliminary investigation and report writing, familiar with the law, aware of policing responsibilities, and able to investigate proficiently.
4. Be skilled in interpersonal relations. Having the ability to work with people under a wide variety of circumstances and be able to recognize and successfully handle potentially violent situations.
5. Possess the verbal and teaching skills required of a police training officers and have the ability to perform in a coach / pupil environment with the ability to evaluate others objectively.
6. Maintain a positive in all categories of the annual performance evaluation.

(b) **SELECTION OF TRAINING OFFICERS:**

1. Field training officers shall be selected from patrol officers, usually those assigned to the patrol division. Field Training Officers working in a special assignment may assist with field training on a temporary basis.
2. The selection process shall be initiated by the field training coordinator as the need for police training officers is determined.
3. The field training coordinator shall compile a list of names of those officers recommended for the position of field training officer. A final list of recommended

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officers shall be forwarded to the Chief of Police for review and approval. Once approved, the list will then be returned to the field training coordinator. The field training coordinator shall confer with the officers on the approved roster to determine if they wish to participate in the program and oral interviews may be conducted. Successful officers who desire to participate shall be placed on an eligibility list, in preparation for attending field training officer instruction.

(c) **TRAINING OFFICER'S STATUS:**

1. The names of officers completing the required field training officer course shall be placed on a roster of approved police training officers. Officers who are approved to serve as field training officers shall maintain their status only as long as they perform their responsibilities in all capacities satisfactorily. The field training coordinator shall recommend to the Chief of Police the discontinuance of an officer's participation in the police training program if such action is deemed appropriate.

416.2.2 CONTINUED TRAINING
All FTOs should complete POST-approved ongoing FTO training while assigned to the position of FTO when available and when schedule permits.

416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be selected by the Patrol Division Commander and Chief of Police or designee.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) .Provide additional/extended training to trainees to address performance and development concerns

(c) Conduct FTO meetings.

(d) Maintain and ensure FTO/trainee performance evaluations are completed.

(e) Maintain, update and issue the Field Training Manual to each trainee.

(f) Monitor individual FTO performance.

(g) Monitor overall FTO Program.

(h) Maintain liaison with FTO coordinators of other agencies.

(i) Develop ongoing training for FTOs.

(j) Provide regular updates to FTO Administrator (Patrol division commander) on trainee progress and/or training concerns.

416.4 TRAINEE DEFINED

Trainee - Any entry level or lateral policeofficer newly appointed to the St. Louis Park Police Department who possesses a Minnesota POST license or is eligible to be licensed.

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416.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of 10 weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

416.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of their initial Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the St. Louis Park Police Department. The officer shall become knowledgeable of the subject matter as outlined. Trainess shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the St. Louis Park Police Department.

Each probationary officer shall retain the police training manual. The field training officer and probationary officer shall work together in recording the progress of the probationary officer. Periodically, the probationary officer shall review with the field training officer the police training manual and make any necessary entries. At the conclusion of the field training assignment, the field training officer shall deliver the police training manual to the police training coordinator for review, evaluation, and retention. Field training manuals will be made available for review by supervisors, if desired, at any future time.

416.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

416.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Completing and submitting a written evaluation on the performance of the assigned trainee to the program supervisor on a daily basis.

(b) Reviewing the Daily Trainee Performance Evaluations, commonly referred to as DORs, with the trainee each day.

(c) Completing a detailed midterm and final evaluation of the trainee's progress.

(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.

416.6.2 FTO SUPERVISOR

The FTO supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training program Lieutenant as necessary.

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416.6.3 FIELD TRAINING ADMINISTRATOR

When necessary, the Field Training Lieutenant will review and approve any Daily Observation Reports and related communication submitted by the FTO through the FTO supervisor.

The Field Training supervisor will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. The Field Training Administrator should hold a process review meeting with all FTOs to discuss changes needed in the FTO Program, regularly, such as on an annual schedule. A summary of this meeting, with any recommendations or changes made, will be provided to the Chief of Police for review and approval.

416.6.4 TRAINEE

At the completion of the Field Training Program, the training administrator and/or training officer should collect input from the trainee as needed and evaluate the effectiveness of the training program.

416.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports.

(b) Midterm and final observation reports.

(c) Learning logs.

416.8 POLICY

It is the policy of the St. Louis Park Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

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Obtaining Air Support

417.1 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.

417.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer 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.

417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Duty Sergeant or designee will request that Dispatch call the closest agency having air support available. In most cases this will be the Minnesota State Patrol. The Duty Sergeant will apprise that agency of the specific details of the incident prompting the request.

417.2.2 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) where authorized by St. Louis Park Police Department policy.

(f) When the Duty Sergeant 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 officers on the ground.

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Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer 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 officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of an in-car camera system system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

418.2 POLICY

The St. Louis Park Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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418.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion. Persons contacted for interviews must be permitted to go on their way if they choose to do so. However, they may be kept under a close watch if this action is thought necessary and conducted in a reasonable manner.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the St. Louis Park Police Department to strengthen community involvement, community awareness, and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. The officer must identify themselves as an officer when initiating this type of contact. The specific facts to warrant the stop include but are not limited to an individual's:

(a) Actions suggesting that they are engaged in a criminal activity.

(b) Presence in an area at an inappropriate hour of the day or night.

(c) Presence in a particular area is suspicious.

(d) Carrying of suspicious objects or items.

(e) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(f) Location in proximate time and place to an alleged crime.

(g) Physical description or clothing worn that matches a suspect in a recent crime.

(h) Prior criminal record or involvement in criminal activity as known by the officer.

A police officer must be able to articulate the reason why a person was detained and interrogated. They do not need to point to any one thing that alone would justify the action, but may refer to several things, each of which, when taken alone, may see innocuous but when considered together by a police officer who is trained and experienced in recognizing criminal activity, raise a reasonable suspicion that it may be afoot.

418.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

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(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 officer.

(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 actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.4.1 SCOPE OF PAT-DOWN SEARCHES

(a) The pat down shall consist of feeling the suspect's outer clothing and shall start at that place where a weapon would most likely be concealed. This location will differ based on the type of clothing worn and weather. The pat down should proceed to the next most likely places. The process should continue until the officer has felt, using his / her fingers, every portion of the suspect's body where a weapon could be concealed, including the arms and armpits, waistline and back, groin area, and the entire surface of the legs down to the feet.

(b) The officer shall open a suspect's coat or other heavy garments and pat down their inner clothing when the garments worn are too bulky to permit a pat down (which would reveal a weapon, if one is concealed). An officer shall not open inner clothing unless they have probable cause to extend the search and the person is under arrest.

(c) The officer who has a reasonable suspicion that a weapon is secreted in a particular place on the suspect may reach directly into that area to seize it. An officer must be able to justify this action, based on facts that led them to suspect that a weapon would be found at that location.

418.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

418.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

418.4.2 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 officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal

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conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer'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 for review and retained in compliance with this policy.

418.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be attached to a report explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime this should be properly noted.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup, provided procedures for photo arrays are followed. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

418.4.4 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 each photograph is taken. 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. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.5 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers 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 members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those 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, officers should attempt to identify the witness prior to their departure.

(b) Witnesses who are willing to provide a formal interview may be asked to meet at a suitable location where investigators or officers may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.

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1. A verbal statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport. The name and contact information of the person giving consent should be documented in the police report.
2. As noted in other policy sections, Dispatch should be notified of all transports of juveniles, and starting and ending squad mileage noted. Dispatch should be notified of transports by officers of witnesses of a different gender identity from the officer, and starting and ending squad mileage noted.

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Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the St. Louis Park Police Department appropriately utilizes criminal intelligence systems and available information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

Definitions related to this policy include:

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.

419.2 POLICY

The St. Louis Park Police Department 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 department to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department 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 department 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.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field contact, 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 department, 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 properly documented ina police report or related file. Any supporting documentation for an entry shall be retained by the Records Section

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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 the Records Section are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

419.3.2 ENTRIES INTO CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the designated supervisor's responsibility to approve the entry of any information 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 Department documents the following:

(a) The Department 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.

An example list of criteria/identifying characteristics appears below (note that this list is subject to updates and amendments and the current list associated with MS 299C.091 should be checked regularly):

1. Subject admits to being a gang member
2. Is observed to associate on regular basis with known gang members;
3. Has tattoos indicating gang membership;
4. Wears gang symbols to identify with a specific gang;
5. Is in a photograph with known gang members and/or using gang-related hand signs;
6. Name is on gang document, hit list, or gang-related graffiti;
7. Is identified as a gang member by a reliable source;
8. Arrested in the company of identified gang members or associates;
9. Corresponds with known gang members or writes and/or receives correspondence about gang activity;
10. Writes about gang (graffiti) on walls, books and paper.

419.4 TEMPORARY INFORMATION FILE

No member may create or keep extensive files on individuals that are separate from the approved criminal intelligence system or records system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-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.

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419.4.1 FILE CONTENTS

A temporary information file may 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 department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, Dispatch 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.

419.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall 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.

419.5 INFORMATION RECOGNITION

Department 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.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

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419.6 RELEASE OF INFORMATION

Department 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 department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and 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.

419.7 CRIMINAL STREET GANGS

The Investigations Division supervisor should ensure that there are department members who can:

(a) Maintain familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Provide information to other members to identify gang indicia and investigate criminal street gang-related crimes.

419.8 TRAINING

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. If available, this training should include such topics as:

(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 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.

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Duty Sergeants

420.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant or acting sergeant heads each shift.

420.1.1 DUTY SERGEANT FUNCTION

The Sergeant's basic function is to develop a patrol team. The Sergeant understands the different personalities of each team member and is able to adapt to their communication style to ensure understanding of the mission.

A key goal of the team is to balance calls for service, the needs of the community, the mission and core values of the department, and a department-wide approach to community policing.

The Sergeant must do their part to foster good relations with their fellow sergeants. It is essential that the Sergeants work together in a consistent manner to keep each other apprised of current and changing work conditions, events, staffing and other issues, including policy issues and training needs, to ensure success and consistency in those whom they supervise.

The Sergeant must identify and balance all field resources to ensure that public safety service provided by the police officers is of the highest quality. This is provided through positive, constructive leadership and by attitude and example. The Sergeant will develop the knowledge to make appropriate, timely decisions as they relate to field events and employee performance.

The Patrol Sergeant must identify and balance the needs of the patrol officers, which are necessary for their success, with the direction and needs of the organization. This is accomplished by ongoing identification and clarification of expectations of the officers through clear, direct and cooperative communication.

420.1.2 DUTY SERGEANT RESPONSIBILITIES

(a) Responsible for coordinating the activities of the officers of his/her shift.

(b) Responsible for supervising shift personnel, including arranging and providing on-shift training; assigning work priorities to be met; and evaluating performance.

(c) Responsible for Dispatch center oversight when regular supervisory personnel are absent.

(d) Responsible for developing effective patrol responses as well as long term resolutions to identify crime patterns, trends, and activities.

(e) Responsible for implementing departmental, divisional, and other applicable standards and policies.

(f) Responsible for channeling information between subordinates and management personnel.

(g) Responsible for overall police station security.

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(h) Responsible for assuming field command of incidents requiring coordinated efforts of various officers and shifts.

(i) Responsible for initial investigation of citizen's complaints lodged against subordinates and initial complaints against peers. May also be responsible for conducting aspects internal investigations when assigned.

(j) Responsible for facilitating and coordinating Community Policing efforts for their shift.

(k) Responsible for attending community meetings as assigned to allow discussion of police-related issues between departmental representatives and the public.

(l) Responsible for observing, reporting, and when feasible, following up on conditions which pose potential threats to public safety and health.

(m) Responsible for conducting duties with a demeanor and in a manner supportive of organizational goals and objectives.

(n) Responsible for managing critical incidents and police vehicle pursuits.

(o) Responsible for assisting subordinates in accessing and interacting with other city departments/resources.

(p) Responsible for documenting and referring information on employee injuries and accidents to command staff.

(q) Responsible for individual employee and team development to better serve the needs of personnel, the organization and the community.

(r) Responsible to ensure that efforts including, but not limited to, community engagement, problem solving, report writing, and investigations are timely, accurate and thorough.

(s) Responsible for ensuring adequate working conditions, staffing levels, necessary and essential equipment is afforded to patrol officers.

(t) Responsible for maintaining knowledge of current policy, procedures and case laws.

420.2 DESIGNATION AS ACTING DUTY SERGEANT

When a Sergeant is unavailable for duty as Duty Sergeant, in most instances an officer actively seeking promotion to the rank of Sergeant and approved to act as acting duty sergeant by the command staff in the interests of leadership development, or the senior officer determined to be qualified to serve as acting sergeant by the command staff shall be designated as acting Duty Sergeant, based on availability and requirements of other duties. This policy does not preclude designating a less senior acting sergeant as an acting Duty Sergeant when operational needs require or training permits.

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Mobile Digital Computer Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Digital Computer (MDC) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

421.2 POLICY

St. Louis Park Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Duty Sergeants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped, if possible, but some limited use may be required at times when the vehicle is in motion. Information

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that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Duty Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(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 should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio. Some entries such as short-duration "busy" status, car wash, etc. may be made on the MDC.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation via radio or MDC and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure the Duty Sergeant is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 AUTOMATIC VEHICLE LOCATION (AVL)

(a) DEFINITION: Automatic Vehicle Location (AVL) – Automatic vehicle location equipment that uses cell tower and other wireless signals to pinpoint the location of a department vehicle, and relays that information to the Department's computer dispatching system.

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(b) DISABLING AVL: At no time will a department member turn off, disable, tamper with, or in any way attempt to interfere with the proper operation of the AVL system.

421.6.2 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio. It will be the member's responsibility to submit the vehicle/MDC for repair as soon as possible and switch to a fully-functioning vehicle.

421.6.3 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Public Recording of Law Enforcement Activity

422.1 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. In addition, this policy provides guidelines for situations where the recordings may be evidence.

422.2 POLICY

The St. Louis Park Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department 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.

Officers 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.

422.3 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 officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others. Mere presence in a nearby area, with no other articulable safety threats evident, does not constitute an undue safety risk.

422.4 OFFICER RESPONSE

Officers should promptly request that 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, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media on evidentiary grounds. (See also 422.6, below.) Officers shall ensure their bodycam(s) are activated and recording in these situations.

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Whenever practicable, officers 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, an officer 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, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

422.5 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 officer 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 department members, such as how and where to file a complaint.

422.6 SEIZING RECORDINGS AS EVIDENCE

Officers 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.

(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.

(a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

(b) If the original recording is provided, a copy of the recording should be provided to the recording party upon request, if practicable. The recording party should

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be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Section Policy.

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Bicycle Patrol Unit

423.1 PURPOSE AND SCOPE

The St. Louis Park Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

423.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, or special events. The use of the patrol bicycle will emphasize its mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the BPU supervisor or the Duty Sergeant.

423.3 SELECTION OF PERSONNEL

Interested licensed personnel, who are off probation, shall submit a request as indicated in any solicitation for new members, to the BPU supervisor. Participation may be limited to officers who are off probation. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

Reserve officers may also perform bike patrol functions with approval of the Chief of Police or designee.

423.3.1 BICYCLE PATROL UNIT SUPERVISOR

The BPU supervisor will be selected by the Patrol Lieutenant or designee.

The BPU supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating the performance of bicycle officers.

(e) Coordinating activities with the Patrol Division.

(f) Inspection and documentation annually that bicycles are in a serviceable condition.

(g) Other activities as required to maintain the efficient operation of the unit.

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423.4 TRAINING

Participants in the program may attend an initial Department-approved bicycle-training course after acceptance into the program, if requested, subject to the availability of such training.

Bicycle patrol officers may be required to qualify with their duty firearm while wearing any issued bicycle safety equipment, including the helmet and riding gloves.

423.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. An approved bike helmet and approved footwear must be worn and protective eyewear and gloves are strongly encouraged. Deviations from required safety equipment must be approved by the bike patrol supervisor.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn with the uniform shirt, subject to applicable sections of the uniform policy.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms and other department equipment needed while on bicycle patrol.

423.6 CARE AND USE OF PATROL BICYCLES

Officers will use a specially marked and equipped patrol bicycle, attached gear bag, and equipment related to bike-mounted flashing lights.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors (unless authorized by the Chief of Police or designee), front and rear lamps. Lamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, storage and/or citations.

Each bicycle may be equipped with a steady or flashing red/blue warning light that is visible from the front, sides or rear of the bicycle.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning). Officers are also responsible for notifying their supervisor immediately if assigned bicycles are of unsuitable size or configuration for their body size or physical capabilities.

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CSO-Cadets and Reserve officers may also assist with maintenance and inspections.

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance yearly, to be performed by a Department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

If in use by the department, electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is prohibited. Officers are responsible for properly securing bicycles to the vehicle carrying rack and requesting training on such use, if needed.

To prevent theft, bicycles shall be properly secured when not in the officer's immediate presence.

423.7 OFFICER RESPONSIBILITIES

Officers are exempt from operating the bicycle in compliance with Minnesota law while performing their duties (Minn. Stat. § 169.222 Subd. 11). Officers may operate the bicycle without lighting equipment during hours of darkness, when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

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Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

424.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated 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 or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

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(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) 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 foot pursuit.

424.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers 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 officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officeris pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer(s) renders them incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with Dispatch or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer 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

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is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

424.5 RESPONSIBILITIES IN FOOT PURSUITS

424.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued 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 officer will notify Dispatch of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

424.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

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424.5.3 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 foot pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should consider promptly proceeding to the termination point and/or closely monitor the post-pursuit activity.

424.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Notifying and coordinating with other involved or affected agencies as practicable.

(e) Notifying the Duty Sergeant as soon as practicable.

(f) Assigning an incident number and logging all pursuit activities.

424.6 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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 officer need not complete a formal report.

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Automated License Plate Readers (ALPR)

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

425.2 POLICY

The policy of the St. Louis Park Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

425.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the St. Louis Park Police Department 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. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

425.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

(c) 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.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.

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(f) If practicable, the officer 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.

425.4.1 OPERATOR RESPONSIBILITIES

(a) Use of ALPR system will be done so as not to interfere with driving safety and shall adhere to department policies on professional conduct, use of computer information, and traffic stops.

(b) Only officers trained in the proper use of the ALPR may operate it with their own unique login.

(c) The system can operate in the background allowing the officer to use the MCD in the normal course of duty.

(d) When an officer receives a "Hit" on the ALPR, the system will alert the officer visually and audibly to the match. The officer must acknowledge that the ALPR read the license plate correctly and verify the "Hit" is current, by running the information through the state real-time data system via MCD or dispatch.

(e) Prior to taking enforcement action, the officer shall verify that the vehicle description matches that given for the "Hit" vehicle. When a "Hit" is based on the status of the registered owner (i.e., license status, want or warrant) the officer shall also verify that the driver of the vehicle reasonably fits the physical descriptors given for the subject of the "Hit".

(f) Proper department procedures and safe police tactics should be followed when initiating a stop or investigation into a "Hit" vehicle.

(g) Any issues/problems with the ALPR system should be reported immediately to the ALPR administrator or a supervisor.

(h) Any member who willfully violates state statutes through the unauthorized acquisition or use of ALPR data may face discipline up to and including termination of employment as well as possible criminal prosecution.

425.4.2 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The St. Louis Park Police Department will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

(a) Data collected by an ALPR will be limited to:

1. License plate numbers.
2. Date, time and location of data captured.
3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.

(b) ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.

(c) ALPRs shall not be used to monitor or track a specific individual's movements unless done so under a search warrant or because of exigent circumstances.

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(d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR. Information on fixed locations of ALPR devices will be posted on the police department's web site.

425.5 MANUAL HOT LIST CONTENT AND USE

The ALPR is capable of alerting to license plates entered by the law enforcement agency in the ALPR system and not listed in the Minnesota License Plate Data File. Entries into the ALPR system shall comply with the following procedures and Minn. Stat. § 13.824:

(a) A license plate number or partial license plate number shall only be entered in the St. Louis Park Police Department's Manual Hot List when there is a legitimate and specific law enforcement reason related to an active criminal investigation to identify or locate that particular vehicle or any person reasonably associated with that vehicle.

(b) Manual Hot List entries may only be made or edited by an ALPR administrator or supervisor.

(c) A Manual Hot List entry shall be removed as soon as practicable if there is no longer a justification for the entry.

(d) If an officer receives an alert based on a Manual Hot List entry, they must confirm that current legal justification exists to take action on the alert, and in compliance with department policies.

(e) A Manual Hot List entry may not be used as a substitute for an entry into any other databases such as Minnesota or FBI Hot Files, Nation Crime Information Center (NCIC), or Keeping Our Police Safe (KOPS) files, if appropriate.

425.6 DATA COLLECTION AND RETENTION

The Administration Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this department (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

(a) Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.

(b) Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained in accordance with the established records retention schedule.

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425.6.1 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

(a) Specific times of day that the ALPR collected data.

(b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.

(c) For each period of active use, the number of vehicles or license plates related to:

  (a) A vehicle or license plate that has been stolen.

  (b) A warrant for the arrest of the owner of the vehicle.

  (c) An owner with a suspended or revoked driver's license or similar category.

  (d) Active investigative data.

(d) For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained, generally in the form of a publication on the Police Department website. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

425.7 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The St. Louis Park Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(b) Members 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 relate to a specific criminal investigation or department-related civil or administrative action.

(c) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.

(d) Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).

(e) All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.

(f) Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

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425.8 BIENNIAL AUDIT

(a) It is required that records showing the date and time ALPR data was collected and the applicable classification of the data be maintained. An independent biennial audit of the records is required to determine whether data currently in the records is classified, how the data is used, whether they are destroyed as required and to verify compliance with the law.

(b) A report summarizing the results of each audit must be provided to the Commissioner of Administration, to the chair and ranking minority member of the committees of the House of Representatives and the Senate with jurisdiction over data practices and public safety issues and to the Legislative Commission on Data Practices and Personal Data Privacy, no later than 30 days following completion of the audit.

425.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

(a) The agency makes a request for the ALPR data that includes:

  (a) The name of the agency.

  (b) The name of the person requesting.

  (c) The intended purpose of obtaining the information.

  (d) A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.

(b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.

  1. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Homeless Persons

426.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The St. Louis Park Police Department recognizes that members of the homeless community are often in need of special protection and services. The St. Louis Park Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy when serving the homeless community.

426.2 POLICY

It is the policy of the St. Louis Park Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

426.3 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. Generally, for most functions below, this will be one of the Community Outreach Officers, under the supervision of the Investigations Sergeant or Duty Sergeant. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless, including the Department's social worker.

(c) Compile information about those areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean up, to include procedures for owners to reclaim their property in accordance with the Property Procedures Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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426.4 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

426.4.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

426.5 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a known/identifiable homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee’s personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the

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officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor and information from the Department Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer and the Duty Sergeant notified.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion. This will include notifying Parks and/or Street Department staff, depending on the location of the items.

426.6 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a 72-hour emergency medical hold unless facts and circumstances warrant such a detention. In these cases a referral to the department's social worker should also be made.

426.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Criminal Conduct on School Buses

427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers guidance in responding to and investigating reports of alleged criminal conduct on school buses. This department, in cooperation with any other law enforcement agency that may have concurrent jurisdiction, 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).

427.2 COMMUNITY COOPERATION

When responding to these incidents, the St. Louis Park Police Department shall work and consult with school officials, transportation personnel, parents, and students while focusing on student safety and enforcement of the law (Minn. Stat. § 169.4581).

427.3 PROCEDURE

This department shall respond to and investigate all allegations of criminal misconduct on school buses within the jurisdiction of this department regardless of the source of the report. Officers 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 procedures like those followed in other criminal investigations as appropriate for juveniles and/or adults.

(d) Issue citations, release suspects 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 when requested by someone with proper authority within the Department or prosecutor's office.

(g) Provide information to the relevant school regarding the incident as required or authorized by law.

427.4 POLICY

It is the policy of the St. Louis Park Police Department to respond to and investigate reports of alleged criminal conduct on school buses.

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Suspicious Activity Reporting

428.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

428.2 POLICY

The St. Louis Park Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

428.3 RESPONSIBILITIES

The Investigation Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Division Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

428.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a suspicious activity police report for forwarding to the Investigations division and include information about involved parties and the circumstances of the incident.

428.4.1 SURVEILLANCE OR PROBING ACTIVITY

Officers will report to the appropriate authorities any of the following activities:

(a) Attempts to test or conduct reconnaissance of security operations at critical infrastructure key resource facilities, high profile venues or sector specific events.

(b) Any persons showing uncommon interest in security measures or personnel, entry points or access controls, or perimeter barriers such as fences or walls.

(c) Any persons showing uncommon interest in critical infrastructure key resource facilities, networks, or systems (e.g. photographing or videotaping assets).

(d) Any theft of or missing official company identification documents, uniforms, credentials, or vehicles necessary for accessing critical infrastructure key resource facilities or sector specific events.

(e) All suspicious attempts to recruit employees or persons knowledgeable about key personnel or critical infrastructure key resource facilities, networks or systems.

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(f) Any theft, purchase or suspicious means of obtaining plans, blueprints, alarm system schematics or similar physical security related or sensitive information related to a facility with critical infrastructure key resource facilities and systems.

(g) Any discovery of documents (particularly foreign language products) containing pictures or drawings of critical infrastructure key resource facilities or systems.

(h) Any persons near critical infrastructure key resource facilities who do not fit the surrounding environment, such as individuals wearing improper attire for conditions, or not normally present in the area (such as, homeless persons, street vendors, demonstrators or street sweepers).

(i) Pedestrian surveillance near critical infrastructure key resource facilities involving any surveillance activity of sensitive operations, including photography, videotaping or extensive note taking, use of audio recorder (regardless of the number of individuals involved), or mobile surveillance by cars, trucks, motorcycles, boats or small aircraft.

428.4.2 THREATS AND WARNINGS

Department members will report all threats or warnings that could affect the reliability and operation of the nation's critical infrastructures key resources.

In addition, members will report discoveries of website postings which make violent threats specific to critical infrastructures or sector specific events.

428.5 HANDLING INFORMATION

The Records Section will forward copies of SARs when necessary, in a timely manner, to the following:

- Investigations Division supervisor
- Crime Analysis Unit
- Other authorized designees

428.5.1 STATE REPORTING

It will be the responsibility of the Investigations Lieutenant or designated investigator(s) to report suspicious activity to the state. Reporting any of the above mentioned suspicious activity to the Minnesota Joint Analysis Center at 612-373-2840 or info@icefishx.org or the Minnesota Duty Officer at 651-549-5451 or 1-800-422-0798.

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Medical Aid and Response

429.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

429.2 POLICY

It is the policy of the St. Louis Park Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

429.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, 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 Dispatch and request response by Emergency Medical Services (EMS) and/or the Fire Department 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 Dispatch 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:

    (a) Signs and symptoms as observed by the member.

    (b) Changes in apparent condition.

    (c) Number of patients, sex, and age, if known.

    (d) Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.

    (e) Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (some of the characteristics previously referred to as "excited delirium").

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

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Members should not direct EMS personnel whether to transport the person for treatment or to prescribe/administer any particular type of medication.

429.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

429.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer 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 officer should consider proceeding with a 72-hour hold in accordance with the Emergency Health Holds Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer 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 who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

429.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer 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 officer 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 to an appropriate medical facility.

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Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

429.6.1 HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Patrol Division Commander should develop protocols related to the following:

(a) Providing security and control during an examination or treatment, including:
    1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
    2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)

(b) Responsibility for continuing security and control if the person in custody is admitted to the hospital
    1. This should include transferring custody of the person to an appropriate agency.

429.7 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 Weapon policies.

429.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

429.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs 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 shall be taken out of service and given to the Training Sergeant 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 Dispatch as soon as possible and request response by EMS.

429.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

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429.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

The Sergeant in charge of equipment is responsible for ensuring any Police Department-owned AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

429.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Only officers who receive training in the recognition of signs of opiate overdose and the use of opiate antagonists may administer opioid overdose medication (Minn. Stat. § 626.8443). Officers may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the officer (Minn. Stat. § 151.37; Minn. Stat. § 604A.04).

429.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Officers who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Officers should immediately notify the Administrative Sergeant if opioid overdose medication is found to be expired or unserviceable. Any expired medication or unserviceable administration equipment should be removed from service.

Any person that has a suspected opioid overdose and is administered Naloxone (Narcan) or other opioid overdose medication by a first responder or an on-scene bystander may be transported to the hospital for further evaluation after consulting with paramedics on scene and in compliance with their (i.e., HCMC) current protocols.

429.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any officer administering opioid overdose medication should detail its use in an appropriate report and notify EMS personnel immediately.

429.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure training is provided to officers authorized to administer opioid overdose medication (Minn. Stat. § 151.37; Minn. Stat. § 626.8443).

429.9.4 OPIOID OVERDOSE MEDICATION SUPPLY

The Chief of Police or the authorized designee shall ensure there is a sufficient supply of opioid overdose medication available for use.

Trained officers shall carry at least two unexpired doses of opioid overdose medication while on-duty (Minn. Stat. § 626.8443).

429.10 ADMINISTRATION OF EPHINEPHRINE

The department may obtain epinephrine auto-injectors from licensed pharmacies to be administered by trained members in accordance with Minn. Stat. § 144.999.

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429.10.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members 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.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

429.10.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report and notify EMS personnel immediately.

429.10.3 EPINEPHRINE TRAINING

The Training Sergeant should ensure that training is provided to members authorized to administer epinephrine.

Training shall be conducted by an authorized provider and be completed every two years (Minn. Stat. § 144.999).

429.11 FIRST-AID TRAINING

The Training Sergeant should ensure officers receive periodic first-aid training appropriate for their position.

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Mental Health - Crisis Response

430.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

430.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

430.2 POLICY

The St. Louis Park Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

430.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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430.4 POLICE-SOCIAL WORKER COLLABORATION

PURPOSE: To improve response, documentation, referral and follow-up regarding situations that involve individuals with actual or suspected mental health issues or persons in crisis, this policy/ program will:

(a) Establish a Police-Social Worker collaboration that provides assistance to individuals who have been in contact with the St. Louis Park Police Department as a result of a call for service, referral, or another means that involves suspected mental illness or other behavioral health event.

(b) Work with family, household members or others with an established relationship with the person in crisis to attempt to coordinate with local social services.

(c) Follow a response plan for potential or known persons in crisis and when possible, utilize specially trained members when responding to calls for service.

(d) Promote police officer safety by ensuring that police officers are as prepared as possible to respond to mental health related calls.

(e) Provide accountability to the public in responding to mental health related calls or persons in crisis.

(f) Aid in effective response to persons in crisis and as appropriate, case management after the initial response.

GOALS OF THE POLICE-SOCIAL WORKER COLLABORATION:

- Improve the quality of life for those who suffer from mental illness and have encounters with law enforcement
- Reduce use of force, injury or death to officers and community members
- Reduce rate of arrests/prosecution of persons in mental health crisis and increase the number of persons who remain in community settings with services and supports
- Create cost-savings through reduction of (incarceration and hospitalization) 911 calls regarding mental health crises
- Reduce repeat calls and visits for the same issue
- Improve efficacy of law enforcement response to emergency and non-emergency mental health issues
- Increase public satisfaction with the response to mental health emergencies and other metrics developed during the pilot utilizing key stakeholder and community input
- Collaborate with prosecution and mental health court for better sustainable outcomes
- Collaborate with other city departments, including the Fire Department, and local social service/aid agencies

430.4.1 DEFINITIONS

Case Assessment and Management team – A group comprised of a designated mental health social worker, mental health program coordinator(s), or others deemed appropriate by the chief of police. This group has a primary function to identify those persons suffering from a mental

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illness, who frequently require emergency services and/or who are at risk for violent encounters with police officers.

Mental Health Program Coordinator - A department member(s) designated by the chief of police or designee to oversee the police-social worker collaboration. This person will also manage statistics related to crisis intervention, with the assistance of the PSIS, and collaborate with nearby law enforcement agencies to assist in case management. This person will also establish and maintain working relationships with partner agencies involved in the response, case management, or treatment of the person in crisis.

430.4.2 POLICE-SOCIAL WORKER COLLABORATION OPERATIONAL STANDARDS

The Police Department and Social Worker will work together to further the interests of providing follow-up social services in a manner that most effectively and efficiently supports and protects the physical, mental and behavioral health of individuals in the City of St. Louis Park.

Report Requirement: A written report shall be completed on each mental health crisis call or other calls for service where an underlying mental health issue may have played a significant role.

Case Management: Members of the case assessment and management team will work with the person in crisis, family members, clinicians, and other parties deemed appropriate to manage, advocate for, and work to minimize the risk of injury or need for emergency services. The case assessment and management team will be responsible for managing any follow-up with the person in crisis. This may include assigning the follow-up to officers or investigators. The mental health program coordinator will review reports, evaluate outcomes and prepare reports outlining response to calls for mental health services, statistics and noting any issues or recommendations as requested by the Chief of Police.

Revisits: Revisits will be conducted when the initial responding officer believes that the person in crisis may benefit from additional services. Revisits may also occur if the person in crisis has a history of similar calls for service or at the direction of the mental health program coordinator or social worker. Revisits can be conducted by members of the Case Assessment and Management team.

430.4.3 OBTAINING MENTAL HEALTH INFORMATION

The Chief of Police should designate a member of the Department to develop access procedures, retention guidelines, data security safeguards, notification procedures, and any other applicable standards for obtained mental health information (Minn. Stat. § 626.8477).

Officers may seek information from a mental health professional during a crisis situation pursuant to department procedures. When information is requested, officers should provide an explanation why disclosure of mental health information is necessary to protect the health or safety of the individual in crisis or of another person (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

Information obtained from mental health professionals in crisis incidents should generally be limited to that necessary to safely respond. Officers obtaining mental health information to address

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crisis incidents should document the following in the associated reports (Minn. Stat. § 13.46; Minn. Stat. § 144.294):

(a) The name of the officer who requested the information

(b) The name of the health professional who provided the information

(c) The name of the individual experiencing the crisis

Mental health information obtained in these circumstances should not be used for any purpose beyond addressing the crisis. The subject of the information should be advised of the information obtained (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

430.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis. A minimum of two officers should respond to all mental health crisis calls.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) Request Firefighters and/or paramedics to respond to the scene or stage nearby, as appropriate.

(d) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(e) Attempt to determine if weapons are present or available.

(f) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(g) Secure the scene and clear the immediate area as necessary.

(h) Employ tactics to preserve the safety of all participants.

(i) Determine the nature of any crime.

(j) Request a supervisor, as warranted.

(k) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

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(l) If circumstances reasonably permit, consider and employ alternatives to force.

430.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

430.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

430.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

430.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

430.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with any Emergency Health Holds Policy elements in place.

430.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

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430.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted regularly.

430.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Additionally, the Training Sergeant will provide officers, including part-time officers, with in-service training in crisis intervention and mental illness crisis as required by Minn. Stat. § 626.8469 and Minn. Stat. § 626.8474.

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First Amendment Assemblies

431.1 PURPOSE AND SCOPE

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 St. Louis Park Police Department 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 personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

431.2 POLICY

The St. Louis Park Police Department 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 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. Department 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.

431.3 DEFINITIONS

(a) **Chemical Agent Munitions:** Munitions designed to deliver chemical agents from a launcher or hand thrown.

(b) **Control Holds:** Control holds are soft empty hand control techniques as they do not involve striking.

(c) **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.

(d) **Crowd Control:** Techniques used to address unlawful public assemblies.

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(e) **Deadly Force:** Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm.

(f) **Direct Fired Munitions:** Less-lethal impact munitions that are designed to be direct fired at a specific target.

(g) **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.

(h) **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.

(i) **Legal Observers:** Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities.

(j) **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.

(k) **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.

431.4 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, 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

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individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property, and protect all people's right to freedom of speech..

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

431.4.1 LAW ENFORCEMENT PROCEDURES

(a) Uniform: All officers 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 this department’s uniform policy. The chief law enforcement officer or designee must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.

(b) Officer conduct:

  (a) Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.

  (b) Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.

  (c) Officers must not take action or fail to take action based on the opinions being expressed.

  (d) Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless

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doing so interferes with on-going police activity. Officers may direct individuals to a new location to continue observation/documentation based on a legitimate safety concern.

(e) Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.

(f) This policy does not preclude officers 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.

431.5 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

431.6 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.6.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.

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- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

431.6.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles, and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

1. Uniforms must display the Department name and a unique personal identifier.
2. A protocol for keeping record of any officers on scene who are not in compliance with uniform requirements due to exigent circumstances.

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly (as defined by Minn. Stat. § 609.705)

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

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(s) Protocol for handling complaints during the event

(t) Parameters for the use of body-worn cameras and other portable recording devices

431.6.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

431.7 RESPONSES TO CROWD SITUATIONS

1. **Lawful assembly.**
    1. Individuals or groups present on the public way, such as public facilities, streets or walkways, 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.
2. **Unlawful assembly**
    1. The definition of an unlawful assembly has been set forth in Minnesota Statute §609.705.
    2. 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
    3. 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.
    4. 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 officers are threatened with dangerous circumstances.
    5. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

431.8 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, the Incident Commander or the authorized designee should attempt to

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verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress (at least two routes when possible). A reasonable time to disperse should be allowed following a dispersal order.

Additionally, the dispersal order must include:

(a) The name and rank of the person and the agency giving the order.

(b) The reasons for the declaration.

(c) How long the participants have to comply.

The dispersal announcements should be repeated after commencement of the initial dispersal order so that participants understand that they must leave the area.

If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

431.8.1 SPECIALIZED DISPERSAL ORDERS: TRANSIT AND TRESPASSING

St. Louis Park Police Department Dispersal Order: TRANSIT

May I have your attention please? I am (Rank and Last Name) of the St. Louis Park Police Department. You are currently interfering with the operation of a transit vehicle and/or transit operator. This is prohibited by Minnesota State Statute 609.855. You are hereby ordered to immediately disperse, which means leave the area. Please do so quickly by (Directions). If you do not cease your unlawful behavior and disperse, you will be arrested. You have (Time) minutes to leave the area. Thank you for your cooperation.

St. Louis Park Police Department Dispersal Order: TRESPASSING

May I have your attention please? I am (Rank and Last Name) of the St. Louis Park Police Department. This area (List address) is private property. I have spoken with the lawful possessor of the property and they demand that you leave their property immediately. Minnesota State Statute 609.605 provides that no person shall intentionally trespass on

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the land of another and refuse to depart from that land, without a legal basis, when a demand to do so is made by the lawful possessor or their agent. I am hereby ordering you to depart from this property immediately. This property includes the interior of the building and extends to (List property boundaries). Please do so quickly by (Directions). If you do not vacate this property immediately, you will be subject to arrest. You have (Time) minutes to leave the area. Thank you for your cooperation.

Note: All dispersal orders should be read at least three (3) times before initiating arrests.

431.8.2 MINNESOTA POST GUIDELINES ON UNLAWFUL ASSEMBLY

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 officers are threatened with dangerous circumstances.

431.9 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

431.10 CROWD DISPERSAL TACTICS

General considerations:

(a) Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been

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made, asking members of the crowd to voluntarily disperse, and informing them that, if they do not disperse, they will be subject to arrest.

(b) 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 officer commands before action is taken.

(c) If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers 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 department policy of using the minimal officer intervention needed to address a crowd management or control issue.

(d) If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the police department's Use of Force policy.

1. Use of Batons
    1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
    2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
    3. When reasonably necessary for protection of the officers 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. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. 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.
    4. Officers 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 another.
    5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.
2. Restrictions on Crowd Control and Crowd Dispersal
    1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
    2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.

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3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd containment, or crowd dispersal.
4. Motorcycles and police vehicles must not be used for crowd dispersal (except during Mobile Field Force operations), but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.
5. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.
6. 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. 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, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
    (b) Officers 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.
    (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 as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.
7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders, except when necessary for self -defense, without the approval of the on-scene supervisor/incident commander.
    (a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. 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) Officers 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 hand held chemical agents have been used. Officers must monitor the

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subject 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.

8. 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, and

(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) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.

(d) CN chemical munitions are prohibited.

(e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department 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 (SDS) for chemical munition

(f) 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.

(g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.

(h) Chemical munitions are subject to the same procedural requirements as outlined in the (law enforcement department)'s UOF policy.

431.11 ARRESTS

The St. Louis Park Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

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Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

(See also Mobile Field Force Policy.)

431.11.1 HANDCUFFS

(a) All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.

(b) 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.

(c) Arrestees in flex-cuffs must be monitored to prevent injury.

(d) Officers 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, officers must examine the cuffs and ensure proper fit.

431.12 MEDIA AND LEGAL OBSERVERS

Media

The Communications and Marketing Manager should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

(a) 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.

(b) The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.

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(c) Officers will not knowingly 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.

(d) The media must not be targeted for dispersal or enforcement action because of their media status.

(e) 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.

Legal Observers

(a) 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.

(b) 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.

(c) Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

431.13 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

431.14 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment, and supply records

(e) Incident, arrest, use of force, injury, and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

(h) Record of any unlawful assembly declarations

431.14.1 VIDEO/PHOTO DOCUMENTATION AND AFTER-ACTION REPORTING

VIDEO/PHOTO DOCUMENTATION:

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The purpose of any visual documentation by the police department of a public assembly or first amendment activity must be related only to:

(a) Documentation of the event for the purposes of debriefing,

(b) Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or

(c) Creating visual records for training purposes.

Any visual documentation must be done in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.

(a) Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.

(b) 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.

(c) 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 department policies.

(d) This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.

AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all instances where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

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431.15 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

431.16 ADDITIONAL INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander is responsible for maintaining familiarity with the Minnesota model policy on Public Assembly and First Amendment Activity and incorporating additional protocols as appropriate for the department's preparedness in addressing:

(a) Approved devices, tactics, and munitions.

(b) Accessibility to the public assembly or demonstration by media representatives and other observers.

(c) Additional documentation requirements, if any.

See attachment: MN Public Assembly - First Amendment Rights Model Policy.pdf

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Civil Disputes

432.1 PURPOSE AND SCOPE

This policy provides members of the St. Louis Park Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Minnesota law.

432.2 POLICY

The St. Louis Park Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

432.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

432.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

432.4.1 STANDBY REQUESTS

Calls to Dispatch for civil standby/property assistance should be assigned to officers only after approval by the Duty Sergeant or acting patrol supervisor. Officers responding to a call for standby assistance to retrieve property should, if possible, meet the person requesting assistance at a neutral location to discuss the process or do so by phone. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property. Officers should take all steps to ensure that no party feels compelled to act or comply because of the officers' mere presence.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

432.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration) if appropriate to do so, but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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432.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Medical Cannabis

433.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the possession, transportation, or use of medical cannabis under Minnesota's medical cannabis laws.

433.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 342.01):

Medical cannabis - (also known as medical cannabis flower or medical cannabinoid product) - Cannabis flower or a product in approved form that consists of or contains cannabis or hemp concentrate or is infused with cannabinoids and is provided to a patient, registered caregiver, or a parent, guardian, or spouse of an enrolled patient to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis may be provided only in state-approved forms such as liquids, oils, pills, vaporized products, dissolvable tablets, gummies, chews, topicals, or other authorized delivery methods and does not include adult-use cannabis or hemp-derived consumer products.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 342.01 et seq.

Caregiver - A person who has been approved by the Minnesota Office of Cannabis Management (OCM) to assist a patient with obtaining and administering medical cannabis from a cannabis retailer, and who is authorized to assist the patient with the use of medical cannabis.

433.2 POLICY

It is the policy of the St. Louis Park Police Department to prioritize resources to avoid making arrests related to medical cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Minnesota medical cannabis laws are intended to provide protection from prosecution to those who use or possess medical cannabis for medical purposes. The St. Louis Park Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Minnesota law and the resources of the Department.

433.3 INVESTIGATION

Investigations involving the possession or use of cannabis generally fall into one of the following categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a person claims to be a patient or caregiver.

(c) Investigations when the person is otherwise authorized.

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433.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM
In any investigation involving the possession, delivery, production, or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under Minn. Stat. § 342.09. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

433.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER
Arrests shall not be made for the possession of medical cannabis by a patient, a caregiver, or the parent or legal guardian of a patient (Minn. Stat. § 342.57).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person's status as a patient. The possession of medical cannabis registry verification from the OCM should also suffice for verification a person's status as a patient or caregiver (Minn. Stat. § 342.01; Minn. Stat. § 342.52).

433.3.3 EXCEPTIONS
This policy does not apply to the following offenses. Officers may take enforcement action if the person (Minn. Stat. § 342.56):

(a) Possesses or consumes medical cannabis on a school bus or van, in a correctional facility, in a state-operated treatment program, including the Minnesota sex offender program, or on the grounds of any child care facility or family or group family daycare program.

(b) Vaporizes or smokes medical cannabis on any form of public transportation, where the vapor or smoke would be inhaled by a non-patient minor child, or in any public place or a place of employment.

(c) Operates a motor vehicle, aircraft, train, or motorboat, or works on transportation property, equipment, or facilities while under the influence of medical cannabis.

433.3.4 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS
Any person falling into the following category shall not be arrested for the authorized possession of cannabis (Minn. Stat. § 342.515):

(a) An otherwise authorized individual transporting cannabis plants or products between business facilities pursuant to state law.

433.4 FEDERAL LAW ENFORCEMENT
Officers should provide information regarding a medical cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

433.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES
The Property and Evidence Section supervisor shall ensure that medical cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use

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of medical cannabis is not destroyed. Procedures applicable to retention and storage for other prescription medication should be followed. Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor shall as soon as practicable return to the person from whom it was seized any medical cannabis, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release medical cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division supervisor.

433.6 REPORTING

Officers aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the OCM within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).

Officers having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the OCM using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).

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Race Data Collection

434.1 PURPOSE

This Race Data Collection Policy will lead to the establishment of processes and practices within the St. Louis Park Police Department which ensure that data is collected in a consistent, transparent, and meaningful manner to inform evidence-based decision-making and public accountability in the context of community safety and policing services. A race-based data collection, analysis and public reporting approach examines police interaction with members of the community, and not crime rates of the communities with whom the police interact.

The St. Louis Park Police Department expressly prohibits bias based policing. The department is committed to observing, upholding and enforcing all laws relating to the individual rights of all citizens. Department members will respect and protect each citizen's civil rights and comply with all laws relating to these rights.

All traffic violations, vehicle checks, pedestrian checks, and searches/seizures of property by sworn members will be based on a standard of "reasonable suspicion," "probable cause", or other legal authority.

All traffic violations, vehicle checks, pedestrian checks, and searches/seizures of property based substantially on race, ethnicity, gender, age, sexual orientation, religious beliefs, disabilities, or national origin rather than upon lawful and appropriate police procedures are strictly forbidden.

434.2 SCOPE

Officers will collect race data on self-initiated traffic stops (moving violations and equipment violations), investigative vehicle stops, and caller/911-originated vehicle stops using a combination of officer perception and driver self-identification.

Officers will complete a Race Data Collection Form for the driver of the stopped vehicle on every self-initiated traffic stop (moving and equipment violations), investigative vehicle stops, and caller/911-originated vehicle stops.

434.3 DEFINITIONS

Self-Initiated Traffic Stop: is a stop initiated on the observation of a violation by the officer (moving/equipment violations).

Investigative Traffic Stop: is a stop based on some pre-existing knowledge of the driver or vehicle being involved in a crime or other information gathered from outside sources.

Citizen/911-originated Traffic Stop: is a stop based on specific information from a witness about moving violations, careless/reckless driving, and similar complaints.

Officer Perception Data: the information collected from an officer with respect to the race of an individual, based solely upon the officer's observation.

Self-identification Data: the information collected from an individual with respect to their race.

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434.4 PROCEDURE

When an officer makes a self-initiated traffic stop, investigative traffic stop, or citizen/911-originated traffic stop, they will complete the designated "Race Data Collection" form as soon as practical following the stop. The form will be completed using the officer's perception or self-identification of the driver's race and sex. Categorizing a driver's race or sex as "Unknown" is discouraged. ONE Race Data Collection form will be completed per traffic stop.

Completion of the Race Data Collection Form shall be done in accordance with established procedures and training.

434.5 TRAINING

Comprehensive training will be provided to all officers to whom this policy and relevant procedures apply. Included in this training, at a minimum, information about:

(a) The purpose of the policy, that is, to preserve the dignity of individuals and communities; to enhance measures of accountability; to advance the delivery of police services that are not discriminatory or contrary to law; and, to identify disparities in service through the public reporting of the information collected under this policy.

(b) How to carry out race data collection in a manner that promotes transparency, accountability and a positive police-community relationship.

(c) Bias awareness, discrimination and racism and how to avoid bias, discrimination and racism when providing police services.

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Non-sworn Officer Prisoner Transports

435.1 PURPOSE

This policy establishes the standard for non-sworn department members transporting an individual(s) taken into custody.

435.2 LIMITATIONS ON TRANSPORTS BY NON-SWORN DEPARTMENT MEMBERS

Non-sworn officers shall not transport the following individuals:

- Violent Offenders (people currently under arrest for a crime of violence or with a history of arrests for crimes of violence)
- Combative persons (people who have been physically combative with officers, with a known history of combative behavior, or with significant potential for this)
- Persons making suicidal comments
- Persons with an injury or claiming injury that could cause jail to reject their admittance
- Obviously intoxicated persons
- Persons under the influence of any other substance to the extent that would cause jail to reject their admittance

All non-sworn prisoner transports must be approved by the on duty supervisor.

Supervisors (including acting supervisors) may deviate from these limitations when assigning transports to non-sworn personnel, based on specific considerations, and following all other applicable policies.

435.3 RESPONSIBILITIES

Both sworn and non-sworn officers have responsibilities when non-sworn officers transport detained individuals.

435.3.1 SWORN OFFICER RESPONSIBILITIES

If a sworn officer is requesting a non-sworn personnel transport of a person taken into custody, they will notify the supervisor on duty. Sworn officers will also search the person in custody and facilitate the safe transfer of the person to the non-sworn officer for transport.

435.3.2 NON-SWORN PERSONNEL RESPONSIBILITIES

Non-sworn officer responsibilities include the following:

- Check handcuffs prior to transport to make sure they are applied appropriately
- Transport prisoners in the rear of the squad and utilize the seat belt
- Once prisoners are secured, all squad doors should be locked
- Notify dispatch of the transport and arrival at destination (no mileage is necessary)
- Utilize squad video and audio monitoring equipment as body-worn cameras are not issued to civilian staff

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- Obey the speed limit and other traffic laws
- Non-sworn personnel will not respond to other calls for service or stop for observed activity while transporting unless exigent circumstances exist and authorized by the duty sergeant
- Request assistance from detention facility staff if needed
- Visually inspect the back seat area after the transport is complete to verify no items were left behind
- Contact the on duty supervisor with any questions or concerns

435.4 UNUSUAL INCIDENTS

Unusual incidents may be defined as, but not limited to, medical emergencies, attempted escapes, hostile prisoner, and accidents with transport vehicles. Should an unusual incident occur during a prisoner transport, the transport officer shall take the following actions, in an order appropriate for the situation:

- Immediately notify dispatch as to the location of the incident
- Request additional support to the location based on the nature of the incident (medical, fire rescue, law enforcement support, etc.)
- Notify the on-duty supervisor as soon as practical
- If a subject is hostile and/or combative in the rear passenger compartment, non-sworn officers should not engage the subject until a sworn law enforcement officer/deputy is on scene to assist
- If the subject claims an injury, notify the on duty supervisor
- If the subject makes comments about suicide or other self-harm during transport, this information must be relayed to jail or hospital staff at the time of intake
- If the subject appears to be in need of life saving medical attention, notify the supervisor, and render medical aid as directed

435.5 TRAINING

In order to transport in custody individuals, non-sworn personnel must complete annual in custody transport training and demonstrate proficiency in use of force. At the time of the in custody transport training, personnel must review the policy for transporting individuals who are in custody.

Non-sworn officers will complete additional training as designated by training staff. Only non-sworn officers who have been certified for transporting individuals will be able to transport. The non-sworn officers who are certified to transport will be indicated on a roster.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions and improve safety on our roads. 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, citizen concerns about traffic safety, traffic volume and traffic conditions.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the St. Louis Park Police Department. Information provided by the Minnesota Office of Traffic Safety (OTS) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers 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 officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. All officers 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 degree and severity of the violation committed. This department does not establish ticket quotas and the total number of citations issued by any officer shall not be used when evaluating officer performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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.

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500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers 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

An officer 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.

500.3.5 LIMITATION AND DISCLOSURE OF REASON FOR TRAFFIC STOP

Officers conducting a traffic stop for violations of Minnesota Statute Chapters 168 or 169 shall not ask the motorist if they can identify the reason for the traffic stop. Officers shall state a reason for the stop unless it would be unreasonable to do so under the totality of the circumstances (Minn. Stat. § 169.905).

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department 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 member.

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

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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, officers 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 investigation units may be used any time a plain clothes officer might benefit from being readily identified as an officer.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk or passenger compartment of each patrol and investigation unit, or issued individually to members and maintained with them while they are on duty.Each vest should be stored properly to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is ready for use.

A supply of high-visibility vests will be maintained for replacement of damaged or unserviceable vests. Officers should request a new vest be issued immediately when needed.

500.5 TRAFFIC STOPS

500.5.1 UNKNOWN-RISK TRAFFIC STOPS

Unknown-risk traffic stops are conducted under circumstances in which the officer is not previously aware of a threat to the officer's safety posed by the vehicle's occupants (e.g., the vehicle is stopped for a traffic violation only). While every unknown-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting an unknown-risk traffic stop include:

(a) The officer should consider existing conditions, including but not limited to road design and condition, weather, lighting, and current traffic flow, to establish a safe environment for the traffic stop.

(b) The officer should use the patrol vehicle's emergency lighting and other equipment, if necessary, to initiate the stop. Upon stopping, the officer should position the patrol vehicle in a way that affords protection to the officer and the violator's vehicle during the stop.

(c) Generally, the officer should direct the violator to pull to the far-right side of the roadway to stop. However, the officer should be prepared to deal with other situations.

(d) Upon initiating a traffic stop, the officer should notify Dispatch of the location of the stop and the vehicle's registration state and number. The officer should not approach the violator's vehicle until the dispatcher has acknowledged the message.

(e) The officer should approach with caution and take a position that allows effective communication with the driver, a view of any other occupant, and an avenue of tactical retreat, if necessary.

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(f) Upon contacting the violator, the officer should remain courteous and professional, providing the violator with verbal identification and the reason for the stop. The officer should request the motorist's documentation.

(g) The officer should provide the violator with information about how to respond to the chosen enforcement action, if applicable.

(h) The officer should end the contact once appropriate law enforcement action has been taken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.

(i) The officer should assist the violator in pulling safely back into traffic.

500.5.2 HIGH-RISK TRAFFIC STOPS

High-risk traffic stops are conducted under circumstances in which the officer is or becomes aware that any occupant poses a serious safety risk (e.g., the vehicle may contain an occupant who is known to be armed and dangerous). While every high-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting a high-risk traffic stop include:

(a) When planning a high-risk traffic stop, the officer shall notify Dispatch and describe the nature or reason for the stop. The officer shall provide the dispatcher with relevant information (e.g., vehicle description, registration number and state, number of occupants, location, direction of travel) and request adequate assistance to conduct the stop.

(b) An officer should not individually initiate a high-risk traffic stop unless backup officers are not available in an appropriate amount of time or the urgency of the situation demands immediate action.

(c) After selecting an appropriate location for the stop and with adequate backup officers in position, the officer should signal the suspect to stop.

(d) Officers should position their vehicles at a distance behind the suspect vehicle that provides opportunities for cover. In low-light situations, positioning should allow for illumination of the suspect vehicle's interior.

(e) The officer initiating the stop, or the officer with the best view, should issue verbal commands through the vehicle's public address system, if available. Only one officer should issue commands to the suspect vehicle's occupants.

(f) Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.

(g) Commands should be announced to the suspect vehicle operator to:

1. Lower the window.
2. Remove ignition keys with the vehicle operator's left hand.
3. Drop the keys on the ground.
4. Open the door from the outside.
5. Step out of the vehicle.

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6. Turn completely around.
7. Face away from the officers.
8. Walk backward until commanded to stop and lie face down on the ground with hands stretched far to the sides.

(h) Using contact and cover, officers should handcuff, search, and secure the suspect. Other occupants should be similarly and separately commanded until all are handcuffed, searched, and secured.

(i) With appropriate cover, officers should approach and inspect the suspect vehicle for additional occupants and/or threats before declaring the scene secure.

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Traffic Collisions

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

501.2 POLICY

It is the policy of the St. Louis Park Police Department to respond to traffic collisions and render or summon aid to injured victims as needed. The Department 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.

501.3 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 department and there is:
    (a) A life-threatening injury.
    (b) A fatality.
    (c) A City vehicle involved.
    (d) A City official or employee involved.
    (e) Involvement of an on- or off-duty member of this department.
(b) Is within another jurisdiction and there is:
    1. A City of St. Louis Park vehicle involved.
    2. A City of St. Louis Park official involved.
    3. Involvement of an on-duty member of this department.

501.3.1 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.

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(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.

501.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify their supervisor and/or the Duty Sergeant. The Duty Sergeant or any supervisor may assign an investigator or other appropriate personnel to assist with investigation of the incident. The Duty Sergeant will ensure notification is made to the Patrol Lieutenant, department command staff and City Manager (generally handled by the Chief of Police or designee) in accordance with the Major Incident Notification Policy. In many cases the Minnesota State Patrol may be called on to handle serious collisions of this type because of their specialized training and expertise.

501.4.1 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, department chaplain or another suitable person. This may also require coordination with another law enforcement agency. Notification should be made as soon as practicable following positive identification of the victim. In many cases this notification may be performed by the Minnesota State Patrol, in the event that the State Patrol is conducting the investigation.

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.

501.5 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 City of St. Louis Park is involved.

(c) The collision results in any damage to any City-owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(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.

501.5.1 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.

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501.5.2 CITY VEHICLE INVOLVED

A traffic collision report shall be taken when a City 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 City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS

Department members should refer to the Community Service Officer Policy when a traffic collision involves the disposition of an injured animal.

501.6 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.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Patrol Lieutenant or on-duty Duty Sergeant should request that the Minnesota Department of Public Safety or other outside law enforcement agency investigate and complete a traffic collision investigation when:

(a) A life-threatening injury or fatal traffic collision occurs within the jurisdiction of the St. Louis Park Police Department and involves:

1. An on- or off-duty member of the Department. The involved member shall complete the department traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.
2. An on-or off-duty official or employee of the City of St. Louis Park.

(b) A vehicle under control of the Department is involved in a collision with another party.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

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501.6.2 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).

501.7 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.

501.8 REPORTS

Department 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 for approval and filing.

501.8.1 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.

501.8.2 PATROL LIEUTENANT AND RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Patrol Lieutenant and Records Division include, but are not limited to (Patrol Lieutenant is responsible for general oversight of traffic functions):

(a) Ensuring any required reports on traffic collision information and statistics are forwarded to the Chief of Police or designee 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), with the assistance of the Records Supervisor.

(c) Ensuring completion and submission of a Department of Public Safety Fatality Report when a collision results in a fatality, with the assistance of the Records Supervisor.

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Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the St. Louis Park Police Department and under the authority of Minn. Stat. § 168B.035.

502.2 STORAGE AND IMPOUNDS

Vehicles may be towed for violations of Minn. Stat. § 168B.035, 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. § 169.33).

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Department members requesting impounding of a vehicle shall complete the designated Vehicle Impound and Inventory Report, generally referred to as a "Tow Sheet," including a description of property within the vehicle. A copy is to be given to the tow truck operator. This is accomplished as a part of the case report or CFS for the incident.

502.2.2 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 officer shall request a tow.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request a tow. The officer will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to quickly eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

502.2.5 RECORDS SECTION RESPONSIBILITIES

Dispatch personnel shall promptly enter pertinent stolen vehicle data from the completed Vehicle Impound and Inventory Report form and related reports into the stolen vehicle system, when requested to do so by an officer or supervisor.

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Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this department has been recovered, Dispatch 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, Dispatch 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).

502.3 TOWING SERVICES

The City of St. Louis Park periodically selects a firm to act as official tow service and awards contracts to the firm. The firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

502.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department 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, or authorizes a licensed driver to assume responsibility for their vehicle.

In such cases, the handling employee shall advise the owner that the Department will not be responsible for theft or damages.

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502.5 VEHICLE INVENTORY

All property in an impounded vehicle shall be inventoried and listed on the vehicle form. This includes the trunk and any compartments or containers, even if they are closed and/or locked, when they can be accessed or opened without damage (i.e., access to keys). If a vehicle is parked, unoccupied, has no connection to an investigation or arrest, or otherwise inaccessible, a visual inventory will satisfy this requirement. 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 police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

502.6 PRESERVATION OF EVIDENCE

An officer who removes a vehicle pursuant to Minn. Stat. § 168B.035 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, officers 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.

502.7 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, officer 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.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving while impaired (DWI).

503.2 POLICY

The St. Louis Park Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Minnesota's impaired driving laws.

503.3 INVESTIGATIONS

Officers should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Minnesota or another jurisdiction.

503.4 FIELD TESTS

The Patrol Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DWI laws.

503.5 CHEMICAL TESTS

A person implies consent under Minnesota law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Minn. Stat. § 169A.51, Subd. 1):

(a) The arresting officer 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 officer 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.

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(c) The officer 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.

(d) The person was administered a preliminary screening test and the results indicated an alcohol concentration of 0.08 or more.

(e) The officer 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.

A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is deemed not to have withdrawn the consent provided by subdivision 1 of MS 169-51 and the test may be given. (From MS 169A-51-6.) For drivers who are either mentally incapable of affirming consent or are incapacitated, a search warrant should be obtained before collecting a blood or urine sample.

503.5.1 STATUTORY NOTIFICATIONS

At the time that the officer requests the person to submit to a breath test the officer must inform the person that (Minn. Stat. § 169A.51, Subd. 2):

(a) Minnesota law requires that he/she take the test.

(b) Refusal to take the test is a crime.

(c) He/she has the right to consult with an attorney unless it would unreasonably delay administration of the test.

At the time that the officer directs a person to submit to a blood or urine test pursuant to a warrant, the person must be informed that a refusal to submit to a blood or urine test is a crime (Minn. Stat. § 171.177, Subd. 1 and Subd. 2).

503.5.2 BREATH SAMPLES

The Patrol Lieutenant or assigned sergeant 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.

Officers 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 Patrol Lieutenant or responsible sergeant.

503.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Minn. Stat. § 169A.51, Subd. 7). The blood draw should be witnessed by the assigned officer.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected later for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

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If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site, usually the detention area of the police department. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample officers should:

(a) Advise the arrestee of the requirement to provide a sample (Minn. Stat. § 169A.51; Minn. Stat. § 171.177, Subd. 1).

(b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of intention to revoke upon the person and invalidate the person's license (Minn. Stat. § 169A.52, Subd. 7).

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who does not consent to a chemical test when any of the following conditions exist (Minn. Stat. § 169A.51, Subd. 3):

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist and the officer has probable cause to believe that the person has committed DWI, including vehicular homicide or injury (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 13). Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

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503.6.3 WARRANTS FOR CONTROLLED SUBSTANCES OR INCAPACITATION

A blood or urine test may be required pursuant to a warrant if the officer has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

(a) The person's impairment is due to a controlled substance, an intoxicating substance, or cannabis or hemp-related product 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 a cannabis or hemp-related product or tetrahydrocannabinols), is present in the person's body.

(c) The person is unconscious or incapacitated to the point that the officer providing the breath test advisory, administering the breath test, or serving the search warrant has a good faith belief that the person is mentally or physically unable to comprehend the advisory or otherwise voluntarily submit to the chemical tests.

If a person objects to the blood or urine test as directed by the warrant or officer, the officer should offer the other type of test if the person is conscious. Action may be taken against a person refusing to submit to a blood or urine test only if an alternate test of blood or urine, as applicable, was offered (Minn. Stat. § 169A.51, Subd. 4; Minn. Stat. § 171.177, Subd. 2).

503.6.4 FORCED BLOOD SAMPLE

A forced sample may not be taken except in DWI cases involving vehicular homicide or injury (Minn. Stat. § 171.177, Subd. 13). In those cases, if a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

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 officer), and attempt to persuade the person to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when reasonably practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure that the forced blood draw is recorded on audio and/or video when reasonably practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

(a) Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

(b) In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

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(c) In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.6.5 STATUTORY NOTIFICATIONS UPON REFUSAL WITH A SEARCH WARRANT
Upon refusal to submit to a chemical test pursuant to a search warrant, officers 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. § 171.177, Subd. 8).

503.7 ARREST AND INVESTIGATION

503.7.1 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).

503.7.2 ARREST AUTHORITY
An officer may arrest a person without a warrant and without regard to whether the offense was committed in the officer's presence if there is probable cause to believe the person committed (Minn. Stat. § 169A.40):

(a) A DWI offense (Minn. Stat. § 169A.20).

(b) An alcohol- or cannabis-related driving offense involving a school bus or a Head Start bus (Minn. Stat. § 169A.31).

(c) An underage drinking and driving offense (Minn. Stat. § 169A.33).

503.7.3 OFFICER RESPONSIBILITIES
If an officer requests that a person submit to a chemical test and the person refuses such request, the officer 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; Minn. Stat. § 171.177, Subd. 3).

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 officer shall immediately give notice to the person that their driving privilege will be revoked and shall (Minn. Stat. § 169A.52, Subd. 7; Minn. Stat. § 171.177, Subd. 8):

(a) Issue the person a temporary license effective for only 14 days.

1. Officers 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.

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(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 indicate 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).

503.7.4 PRELIMINARY SCREENING TEST

An officer 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 DPS Commissioner (Minn. Stat. § 169A.41, Subd. 1).

The officer 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).

503.7.5 ADDITIONAL TESTING

An officer 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 officer has administered the statutorily mandated test.

(c) Impose no expense to the state.

503.7.6 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.

503.8 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

503.9 ADMINISTRATIVE HEARINGS

The Records 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 (DVS) of the DPS.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney if it appears the prosecuting attorney is not aware.

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An officer called to testify at an administrative hearing should document the hearing date and the DVS file number in a supplemental report or attachment to their original report. Records staff may also facilitate this. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

503.10 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DWI laws receive required training. Training should include at minimum current laws on impaired driving, investigative techniques and rules of evidence pertaining to DWI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

504.1 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.

504.2 RESPONSIBILITIES

The development and design of all traffic citations shall be in compliance with county court requirements and state law (Minn. Stat. § 169.99 and Minn. Stat. § 169.999 Subd. 3).

The Records Section shall be responsible for management of the electronic citation process.

504.3 REQUESTS FOR DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a properly completed 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 Duty Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Duty Sergeant may request the Patrol Division Commander to recommend dismissal of the traffic citation, in consultation with the Deputy Chief. 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 an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer 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 Patrol Division Commander for review.

Members of the Department should 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).

504.4 VOIDING TRAFFIC CITATIONS

Voiding or canceling a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. This may only occur when court proceedings involving the citation are not already in progress. All requests to void or cancel a traffic citation must be forwarded to the Deputy Chief by email for approval. See also the established procedure for voiding citations elsewhere in this manual.

504.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and request for a specific correction to his/her immediate supervisor. Records

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staff will assist with any correction of a citation. The recipient of the citation will be notified as appropriate.

504.6 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 officer shall follow the arrest procedures prescribed in Minn. Stat. § 169.91 and shall make reasonable 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 officer is required to file a 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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Disabled Vehicles

505.1 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.

505.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer 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 officer to respond for assistance as soon as practicable.

From MS 169-011: "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce an emergency hazard presented by the disabled vehicle. If possible, officers should check with a supervisor before pushing or pulling a vehicle and should not risk injury to themselves or others present.

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Abandoned Vehicle Violations

506.1 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.

506.1.1 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 an officer 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)).

506.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Minnesota abandoned vehicle laws shall be photographed and documented via the log or computer aided dispatch (CAD) system. No case number is required at this time.

If a photographed, suspected abandoned, vehicle has been moved during a four or 24-hour investigation period, the vehicle shall be photographed and logged again for either the four or 24-hour abandonment violation, unless another reason to immediately remove the vehicle exists.

506.2.1 MARKED VEHICLE FILE

Parking control officers assigned to the Patrol Lieutenant shall be responsible for the follow-up investigation of all abandonment violations noted in the log or CAD system.

506.2.2 VEHICLE STORAGE

Any vehicle in violation shall be impounded by the authorized towing service and a vehicle impound report shall be completed by the officer authorizing the tow of the vehicle.

Any required database entries will be made by Dispatch and/or Records.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the St. Louis Park Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
    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) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Duty Sergeant.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. 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.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a criminal offense shall 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.

Consideration should also be given to recording a non-custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 INTERVIEW ROOM USE AND SECURITY

The following rooms are designated for the purpose of conducting interviews and interrogations:

[Insert specific room/location numbers or names here consistent with standard 3.2.2(a) requirements - see the Guide Sheet for additional information.]

Members (uniformed and non-uniformed) shall comply with the following procedures when using an interview room:

(a) Firearms should be properly secured outside the room before entering to conduct an interview or interrogation.

(b) No more than two members should be present in the room during an interview or interrogation, unless necessary to maintain safety and security.

(c) Members should have a portable radio available for summoning assistance, if necessary.

(d) Access to restrooms, water, or comfort breaks should be afforded based on the length of the interview or interrogation.

(e) The use of audio/video recording devices in interview rooms shall be in accordance with this policy.

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600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence or provide guidance on the process. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery

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to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 FACIAL RECOGNITION SOFTWARE

Purpose: 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 to detect and prevent criminal activity, reduce an imminent threat to health or safety, and help in the identification of persons unable to identify themselves or deceased persons. The St. Louis Park Police Department has established access and use of face recognition software to support the investigative efforts of law enforcement.

Objectives: The St. Louis Park Police Department has adopted the use of facial recognition software to accomplish the following objectives:

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(a) To assist in the identification of an individual or individuals who an officer reasonably believes has/have committed a criminal offense or is/are involved in or planning criminal (including terrorist) conduct or activity that presents a threat to any individual.

(b) To assist in the identification of potential witnesses and/or victims of violent crime.

(c) To assist in the identification of a person who lacks capacity or is otherwise unable to identify him- or herself (such as an incapacitated, deceased, or otherwise at-risk person).

600.8.1 FACIAL RECOGNITION SOFTWARE POLICY

The St. Louis Park Police Department has authorized the use of facial recognition software to accomplish the above-mentioned objectives. The facial recognition software may be used directly, through programs/websites providing this service, or indirectly, by sending images and/or video footage to external agencies that have offered or agreed to assist with additional or alternative facial recognition software searches. All uses of facial recognition software and technology must be approved in advance by the Chief of Police or designee.

600.8.2 USE OF FACIAL RECOGNITION INFORMATION

Facial recognition is not a form of positive identification of a subject. Images returned as a result of a face recognition search may be considered investigative lead information only and are not probable cause to arrest, without further investigation.

The results of a facial recognition software search may be presented in the form of a list of most likely candidate images ranked by computer-evaluated similarity. The officer or investigator must then complete a visual or manual morphological comparison of the candidate images against the subject's probe image to make a visual judgment, as well as use standard investigative techniques, to determine whether the subject is the same as a candidate image. The use of facial recognition software, along with any candidate image lists and investigative steps employed to confirm or exclude candidate images, shall be documented in an official police report.

600.9 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Officers shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating officers shall forward this report to the Minnesota Department of Human Services and the Minnesota Department of Children, Youth, and Families 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 or the Minnesota Department of Children, Youth, and Families may require on related state forms

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600.10 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Chief, Deputy Chief, or a Lieutenant. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.11 VICE, NARCOTICS, AND ORGANIZED CRIME COMPLAINTS

Complaints related to vice, narcotics, or organized criminal activity shall be documented and reported to a supervisor. The supervisor should determine if the complaint warrants immediate action or if information should be handled in accordance with the Criminal Organizations Policy.

All vice, narcotics, or organized crime complaints shall be forwarded to the Investigation Division Commander or the authorized designee, who is responsible for the following:

(a) Maintaining records of all complaints received

(b) Maintaining records of information conveyed to and received from outside agencies

(c) Notifying the Chief of Police of all complaints received, in a manner prescribed by the Chief of Police

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The St. Louis Park Police Department adopts the main provisions of the Investigations of Sexual Assault model policy established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8442) and expands this policy below.

See attachment: Model Sexual Assault Investigation Policy 03-03-21.pdf

601.2 PURPOSE AND SCOPE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. Goals in investigations of this type include:

(a) To 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;

(b) To reaffirm officers' authority and responsibility in conducting thorough preliminary and follow-up investigations and to make arrest decisions in accordance with established probable cause standards;

(c) To increase the opportunity for successful prosecution and delivery of victim services.

601.2.1 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:

(a) 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 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.

(b) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

(c) Corroboration of the victim's testimony is not required to show lack of consent.

(d) Child or Minor: a person under the age of 18.

(e) Medical Forensic Examiner: The health care provider conducting a sexual assault medical forensic examination.

(f) Sexual Assault: Engaging in sexual contact or penetration with another person in a criminal manner as identified in MN Statutes 609.342 to 609.3451.

(g) 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;

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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 provides 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 victim's 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:

(a) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

(b) 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);

(c) 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

(d) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

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1. 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
2. because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

601.3 POLICY

(a) It is the policy of the St. Louis Park Police Department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its officers understand the laws governing this area. Sexual assault crimes can go unreported to law enforcement and a goal of this policy is to promote an increase in the rate of reporting.

(b) All employees should take a professional, victim-centered approach to sexual assaults reports and investigations, and coordinate with prosecution in a manner intended to restore the victim’s dignity and autonomy. It is the goal of the St. Louis Park Police Department to decrease the victim’s distress, increase the victim’s understanding of the criminal justice system and process, and promote public safety.

(c) Officers will use this policy in response to sexual assaults reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

601.4 PROCEDURES

601.4.1 INITIAL OFFICER RESPONSE

(a) When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

1. Request preferred contact information for the victim for follow-up.
2. Identify and attempt to interview potential witnesses to the sexual assault and/ or anyone the victim told about the sexual assault.
3. 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.
4. Ask about and document signs and symptoms of injury, to including strangulation. Officers shall attempt to obtain a singed medical release from the victim.
5. Officers 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 the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

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6. 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.
7. The officer shall attempt to determine the location/jurisdiction where the assault took place.
8. Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately participate fully in the criminal investigation.

601.4.2 COMMUNICATIONS PERSONNEL AND ADDITIONAL ACTIONS BY RESPONDING OFFICERS

(a) Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, including the following:

1. 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 (per department policy).
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. Suggest that the victim refrain from bathing, or cleaning their body if the assault took place recently.

(b) The victim should also be given assurances that other evidence can still be identified and recovered even if they have bathed or made other physical changes.

601.4.3 VICTIM INTERVIEWS

(a) This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

1. In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:
   (a) Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
   (b) Whenever possible, conduct victim interviews in person
   (c) Make an effort to conduct the interview in a welcoming environment
   (d) Let the victim share the details at their own pace
   (e) Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault

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(f) 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.

(g) 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.

(h) Some victims do remember details vividly and might want to be interviewed immediately.

(i) During initial and subsequent victim interviews, officers 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.

1. Whether the suspect was known to the victim
2. How long the victim knew the suspect
3. The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
4. The extent of their previous or current relationship
5. Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
6. Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault

(j) Relevant communication through social media, email, text messages, or any other forms of communication

601.4.4 SPECIAL CONSIDERATIONS

(a) Minors and Vulnerable Adults

1. The officer 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. Officers should obtain necessary contact information for the victim’s caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
3. 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. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.22 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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(b) Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers 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.

1. Initial responding officers 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. Officers 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.

2. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

   (a) Ensuring the safety of the victim;

   (b) Ensuring the scene is safe;

   (c) Safeguarding evidence where appropriate;

   (d) Collecting any information necessary to identify the suspect; and

   (e) Addressing the immediate medical needs of individuals at the scene

(c) This agency 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 non-directive as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, 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 an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

(d) Victims of Domestic Abuse

(a) Officers 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.

601.4.5 VICTIMS RIGHTS

(a) Confidentiality: Officers 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)

1. Crime Victim Rights: Officers must provide the following information to the victim:

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(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.

(b) 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.

(c) Other information: Officers should provide to the victim the agency's crime report/ ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up. A copy of the initial police report may also be provided, if requested.

(d) Language access: All officers shall follow agency policy regarding limited English proficiency.

(e) Victims of sexual assault may initiate a law enforcement investigation by contacting any law enforcement agency regardless of where the incident may have occurred. The St. Louis Park Police Department will document the victim contact and/or interview in a police report and start an investigation, or refer the case to the agency that has jurisdiction.

(f) Responding to victim requests for data, subject to MS 13.82, Subd. 7:

1. The Investigations Lieutenant will respond to requests for data from sexual assault victims and serve as a liaison between the police department and the forensic laboratory.

   (a) The Investigations Lieutenant will receive and facilitate victim requests that restricted evidence kits (MS 299C.106, Subd. 1 (e)) be reclassified as unrestricted evidence kits (MS 299C.106, Subd.1 (h)), if such an evidence kit is in the possession of this agency. Restricted kits ARE NOT authorized by the patient/victim for forensic analysis. Unrestricted kits ARE authorized by the patient/victim for forensic analysis and should be submitted to the forensic laboratory within 60 days of receipt, unless it is deemed that the results of analysis would not add evidentiary value to the case.

2. Responses to inquiries will be made within 30 days of receipt, unless a declination to provide the information is given under MS 611A.27, Subd. 1 (b), if the release will interfere with the investigation;

3. The victim can designate another person to request information on their behalf in writing, unless a declination to provide the information is given under MS 611A.27, Subd. 1 (b), if the release will interfere with the investigation.

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601.4.6 EVIDENCE COLLECTION CONSIDERATIONS

(a) Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

1. If the victim has declined or a medical forensic exam will not be conducted, the officer 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 injury that becomes evidence later after these photographs are taken and how to submit these to officers and/or investigators.
2. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
3. 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.
4. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. Use of the Hennepin County Sheriff's Crime Lab and technicians should always be considered and is encouraged under this policy. This should be in accordance to any/all other policies and procedures relating to evidence collections.

601.4.7 FORENSIC EXAMINATIONS

(a) Sexual Assault Medical Forensic Examinations

1. Prior to the sexual assault medical forensic examination the investigating officer should do the following:
   (a) Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their health and to the investigation. The exam is performed at no cost to victims. Provide information about evidence collection, storage and preservation in sexual assault cases.
   (b) 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. Officers and investigators cannot deny a victim the opportunity to have an exam.
   (c) Officers should be aware and, if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medication 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, provide assistance with transportation to the designated medical facility.
   (d) Ask the victim for a signed release for access to medical records from the exam.

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2. Officers should not be present during any part of the exam, including during the medical history.

3. Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

(b) Forensic Examination and/or the Collection of Evidence from the Suspect

1. Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel, depending on the type of evidence to be collected.

2. Prior to or immediately after the preliminary suspect interview, photograph any injuries, whether related or unrelated to the assault under investigation.

3. Determine whether a sexual assault medical forensic examination should be conducted.

4. Ask for the suspect's consent to collect evidence from their body and clothing. Officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to prevent alteration or destruction of evidence by the suspect if consent is denied.

5. During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:

(a) Strongly consider genital 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.

601.4.8 CONTACTS AND INTERVIEWS

(a) Contacting and Interviewing Suspects

1. Prior to contacting the suspect(s), officers should consider the following:

(a) Conduct preliminary investigation and a criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

(b) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. During this call or messaging incriminating statements from the suspect(s) may be solicited. Involvement of a victim should be based on strong consideration of the

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victim's emotional and physical state, to avoid re-victimization. A victim advocate should be present whenever possible to offer support.

2. When possible, an attempt should be made to interview the suspect(s) in person.
    (a) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
    (b) Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
    (c) 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.
3. For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator, in accordance with other department policies.

601.4.9 SUPERVISOR RESPONSIBILITES

(a) Role of the Supervisor and Case Reviews
    1. Supervisors may do the following:
        (a) Provide assistance, guidance, and direction as needed.
        (b) Review officers' sexual assault reports to ensure that necessary steps were taken during initial response and investigations, and that they were done in accordance with this policy.
    2. Case Reviews: A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of case dispositions, decisions to collect evidence and submit for lab analysis, and interviewing decisions.

601.5 COPY OF SUMMARY

The Investigations Division supervisor shall ensure that the victim of a sexual assault who reports an incident to this department is provided with a copy of the written summary of the allegation. If the incident occurred outside the jurisdiction of the St. Louis Park Police Department, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred. If the St. Louis Park Police Department learns that both the victim and the accused are members of the Minnesota National Guard, the Department shall provide a copy of the summary to the Bureau of Criminal Apprehension (Minn. Stat. § 609.3459).

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Asset Forfeiture

602.1 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).

602.2 POLICY

The St. Louis Park Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or the due process rights of citizens.

It is the policy of the St. Louis Park Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned to a task force from an outside law enforcement agency, in which this agency serves as the Fiscal Agent, follow all state and federal laws pertaining to forfeiture.

602.3 DEFINITIONS

Definitions related to this policy include:

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. It 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.

Fiscal Agent - The person designated by the St. Louis Park Police Department to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the St. Louis Park Police Department seizes property for forfeiture or when the St. Louis Park Police Department 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.

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Forfeiture Reviewer - The St. Louis Park Police Department employee assigned by the St. Louis Park Police Department responsible for reviewing all forfeiture cases and for acting as the liaison between the Department 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.

Property subject to administrative forfeiture - The following property is subject to administrative forfeiture under Minnesota Law (Minn. Stat. § 609.5314):

(a) All cash totaling $1500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense, and all cash found in proximity to controlled substances when there is probable cause to believe that the cash was exchanged for the purchase of a controlled substance.

(b) All conveyance devices containing controlled substances with a retail value of $100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale.

(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.
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 Minnesota Statutes, Chapter 152.

Seizure - The act of law enforcement officials taking property, including cash and conveyance devices that have been used in connection with or acquired by illegal activities.

602.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.4.1 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. § 169A.63, Subd. 6 and limited by Minn. Stat. §

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169A.63, Subd. 7, and 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).

602.4.2 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.

(b) Cash totaling less than $1,500, unless prerecorded buy funds are included in the cash seized.

602.4.3 SEIZURE OF PROPERTY TO BE FORFEITED
An officer may seize property subject to forfeiture based on a court order. An officer may also seize property without a court order under any of the following conditions (Minn. Stat. § 609.531, Subd. 4; Minn. Stat. § 169A.63, Subd. 2):

(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 officer 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.

602.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) If the retail value of the asset to be seized is $50,000 or less, completely and accurately prepare the Notice of Seizure and Intent to Forfeit Property Form (seizure form) and present it to the person from whom the property is to be seized for that person’s signature. If the person refuses to sign, the officer shall indicate on the seizure form that the person refused. The seizure form is not used when the value of the seized property exceeds $50,000.

(b) Prepare and provide a receipt for the items seized to the person from whom the property is being seized.

1. If cash or property is seized from more than one person, a separate property inventory receipt must be completed for each person specifying the amount of cash seized. The receipt shall include a detailed description of all property, checks, money orders, traveler’s checks or other financial instruments.

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(c) Complete and submit a report within 24 hours of the seizure if practicable. The report must include, at minimum, the following:

1. A description of the items seized
2. The location where the property was turned in or stored
3. The name of the individual who was served with the seizure form
4. The date that the seizure form was served
5. The name of the officer making the seizure
6. Whether the individual signed the seizure form

(d) If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the receipt and seizure form must be given to the individual from whom the property was seized.

(e) When property is seized and no one claims possession of the property, the officer must leave a receipt in the place where the property was found if it is reasonably possible to do so.

(f) The officer will book seized property into the Property and Evidence Section as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

(g) Forward the original and the pink copy of the seizure form, and any seized property processing worksheets, property receipts and reports to the Forfeiture Reviewer within 10 days of seizure.

(h) Inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

602.5.1 CASH HANDLING

It is the responsibility of the seizing officer to secure and count cash consistent with this policy and the Cash Handling, Security and Management Policy. All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

All forfeitable cash seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practicable.

Prior to deposit with the Forfeiture Reviewer, officers shall examine all cash seized to determine whether it contains any prerecorded buy funds. Officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer to be returned to the appropriate buy fund account.

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602.5.2 JEWELRY/PRECIOUS METALS/PRECIOUS STONES

Officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture Reviewer.

Officers seizing jewelry, precious metals and/or precious stones shall book those items according to current property and evidence procedures as soon as practicable.

602.5.3 VEHICLES

Any conveyance device seized for forfeiture shall be taken to a secure designated area or to a department-approved impound facility as soon as practicable.

Officers shall inventory the conveyance device and its contents in accordance with the Vehicle Towing Policy. Officers shall also complete applicable report forms and distribute them appropriately. A copy of the vehicle storage report shall be included with the seizure documentation that is submitted to the Forfeiture Reviewer.

602.5.4 FIREARMS/AMMUNITION/FIREARM ACCESSORIES

When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the Property and Evidence Section in accordance with the current booking procedures and the Property and Evidence Section Policy.

602.6 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Minn. Stat. § 609.531 Subd. 5).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.7 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the Forfeiture Reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Forfeiture Reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of Forfeiture Reviewer include the following:

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(a) Confer regularly with the prosecuting attorney's office to remain familiar with forfeiture laws, particularly Minn. Stat. § 609.531 through Minn. Stat. § 609.5318, Minn. Stat. § 169A.63, and the forfeiture policies of the prosecuting agency.

(b) Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.

(c) Ensure responsibilities, including designation of a Fiscal Agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(d) Ensure that a seizure form, property inventory receipt, and a forfeited property processing worksheet is available and appropriate for department use. The seizure form will minimally include the following (Minn. Stat. § 609.5314):

1. Space for an itemized list of items seized
2. The location and date of the seizure
3. A place for the name of the individual served with the seizure form
4. The date and signature of the officer conducting the seizure
5. The agency case number
6. A space for the signature of the person from whom property is seized or an appropriate space or check box for the officer to indicate that the person refused to sign
7. At least an original and the pink copy
8. Information in English, Hmong, Somali and Spanish explaining the right to obtain judicial review and the procedure provided by Minn. Stat. § 609.5314.

(e) Ensure that officers who may be involved in asset forfeiture receive training in the proper use of the seizure form and the forfeiture process. The training should be developed in consultation with the prosecuting attorney and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins, or department directives. The training should be based on this policy and address any relevant statutory changes and court decisions.

(f) Review each asset forfeiture case to ensure the following:

1. Written documentation of the seizure and items seized is present in the case file.
2. Independent prosecutorial review of the circumstances and propriety of the seizure is made in a timely manner.
3. A timely notice of seizure has been given to interest holders of seized property.
4. Property is promptly released to those entitled to its return.

(g) Forward all changes to forfeiture status to any supervisor who initiates a forfeiture case.

(h) Deposit any cash received with the Fiscal Agent.

(i) Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.

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(j) Annually review and update this policy and any related policies to reflect current federal and state statutes and case law.

(k) Prepare a written plan for the Chief of Police to address any extended absence of the Forfeiture Reviewer to ensure that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(l) Ensure the Department disposes of property as provided by law following any forfeiture (Minn. Stat. § 609.5315).

(m) Ensure that any forfeited property used in an undercover capacity, or that is sold or added to the department inventory is done so according to Minnesota law.

(n) Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by this department.

(o) Upon completion of any forfeiture process, ensure that no property is retained by the St. Louis Park Police Department unless the St. Louis Park Police Department authorizes in writing the retention of the property for official use.

(p) Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures (Minn. Stat. § 609.5315).

(q) Ensure that records of forfeiture are retained for a minimum of six years.

(r) Ensure forfeiture reporting is made to the state auditor in the manner prescribed by the auditor (Minn. Stat. § 609.5315, Subd. 6).

602.8 DISPOSITION OF FORFEITED PROPERTY

Legal disposition may include (Minn. Stat. § 609.5315; Minn. Stat. § 169A.63, Subd. 10):

(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 officers 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 St. Louis Park Police Department 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)).

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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant, generally - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the St. Louis Park Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the St. Louis Park Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

A. **Confidential Informant (CI):** A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency'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 agency; or

      (c) otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

B. **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.

C. **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.

D. **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.

E. **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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F. **Confidential Informant File:** means a file maintained to document all information that pertains to a confidential informant.

G. **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.

H. **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.

I. **Overseeing agent:** means the officer primarily responsible for supervision and management of a confidential informant

603.2 POLICY

The St. Louis Park Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process, while taking the necessary precautions concerning the recruitment, control, and use of informants. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.2.1 POST MODEL POLICY

It is the policy of the Department to follow the requirements of the Confidential Informants Model Policy, established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8476).

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from their supervisor or other authorized designee. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity, and risk of physical harm, as well as any indicators of their reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 18 is prohibited.

603.4 OPERATIONAL STANDARDS

603.4.1 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:

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1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, 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
   (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 other designated authority 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

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(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 agency, 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.

603.4.2 EXIGENT CONFIDENTIAL INFORMANTS

1. Certain circumstance 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 III.A(3)(a-c) 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.

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2. 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.

603.4.3 SPECIAL CI APPROVAL REQUIREMENTS

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive 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. Individuals obligated by legal privilege of confidentiality.
2. Government officials.

603.4.4 GENERAL GUIDELINES FOR OVERSEEING CIS

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, 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 agency 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 agency.
6. All CIs must sign and abide by the provisions of the agency'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 E 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 agency 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.

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(e) CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency 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 agency.

(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 handling agency 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 agency 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 agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.

10. Officers 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 agency 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.

12. Members of this agency 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 officer or agent present and with at least one officer 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 agency and the CI. This plan should also

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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. 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 agency 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 agency.

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, officers 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.

22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.

23. Individuals leaving employment with the agency 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.

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603.4.5 ESTABLISHMENT OF AN INFORMANT FILE SYSTEM

An informant file system must be established as follows:

1. The agency chief executive 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 agency.
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 officer 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 officers 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 agency's chief executive or their designee.

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(b) The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.

(c) Officers must not remove, copy, or disseminate information from the CI file.

(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 officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.

(f) No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

603.4.6 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 agency.
   (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 agency 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.

603.5 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case

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- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Drug Task Force supervisor will discuss the above factors with the Investigations Lieutenant and recommend the type and level of payment subject to approval by the Chief of Police.

603.5.1 PAYMENT MANAGEMENT

Monetary payments must be managed as follows, per state requirements:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting 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 officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the agency's chief executive, 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 agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

603.5.2 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $200 and under may be paid in cash from the buy/expense fund.

  (a) The supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $200 shall be made by issuance of a check

(c) To complete the payment process for any amount, the officer delivering the payment shall complete any required forms.

  (a) The form shall include the following:

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(a) Date

(b) Payment amount

(c) St. Louis Park Police Department case number

(d) A statement that the informant is receiving funds in payment for information voluntarily rendered.

(b) The form shall be signed by the informant and will be witnessed by a second officer, with that officer's name listed on the form.

(c) The form will be kept in the informant's file.

603.5.3 AUDIT OF PAYMENTS

The Investigations supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every 12 months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds, to the extent that any funds were distributed. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

603.5.4 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.6 INFORMANT COORDINATOR

The Chief of Police or the authorized designee should designate an informant coordinator responsible for remaining familiar with the requirements and guidelines set forth in Minn. Stat. § 626.8476 and the MN POST Confidential Informants Model Policy.

The coordinator is also responsible for implementing department procedures and protocols concerning the recruitment, control, and use of informants, as adopted by the model policy, including but not limited to:

(a) Establishing general guidelines related to the oversight of informants such as:

1. The execution of informant agreements.

2. The use of informants in exigent circumstances.

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3. Supervisor review of informant files and informant agreements, and attendance at debriefings and meetings.
4. Communication strategies and plans to address the confidentiality and integrity of the department/informant relationship.
5. The screening of informants for personal safety or mental health concerns before and after their use.
6. Reasonable protective measures to safeguard informants when a member of the Department knows or reasonably should know of a risk or threat of harm arising from the informant's service to the Department.

(b) Developing procedures for determining initial and continued suitability, and preparing related reports (e.g., initial suitability determination report, Continuing Suitability Report).

1. Procedures should include a process for forwarding the results of initial and continuing suitability determinations to appropriate department members.
2. The local prosecutor's office should be consulted before engaging individuals who require special review and approval (e.g., juveniles, government officials, those individuals obligated by legal privilege of confidentiality).

(c) Creating a process for identifying individuals who may be or who may become unsuitable to serve as informants (e.g., individuals receiving in-patient or partial-hospitalization treatment for a substance use disorder or mental illness, participating in a treatment-based drug court program or treatment court, having overdosed in the last 12 months, having a physical or mental illness that impairs the ability to understand instructions and make informed decisions).

(d) Working with department members to identify informants who should be referred to substance abuse prevention or treatment services.

(e) Addressing jurisdictional issues to ensure proper coordination in the use of informants.

(f) Working with the Drug Task Force supervisor to manage the informant file system, including establishing guidelines regarding access, review, and disclosure.

(g) Establishing deactivation procedures

1. Procedures should include reasonable efforts to maintain the safety and anonymity of the informant after deactivation.
2. Procedures may include an option to provide deactivated informants with referral to physical, mental, or emotional health services.

(h) Establishing guidelines for training and briefing informants.

(i) Making any necessary updates to agency procedures.

(j) Certifying annually to MN POST that the Department has adopted a policy that complies with the requirements of the model policy as required by Minn. Stat. § 626.8476, Subd. 3.

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603.7 TRAINING

The Training Sergeant shall provide in-service training to officers, including part-time officers, in the recruitment, control, and use of confidential informants as required by Minn. Stat. § 626.8476.

This should cover review of this policy (in conformance with the POST Board model policy and the POST Board peace officer learning objectives on informants covered in Category 2.26.6: *"Discuss officer safety concerns and ethical decision-making matters related to vice crime investigations including risks associated with working undercover and ethics related to working with confidential informants."*

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Minn. Stat. § 626.8433).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification / Show-up - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup / Photo-array - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The St. Louis Park Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.2.1 POST MODEL POLICY

It is the policy of the St. Louis Park Police Department to follow the fundamental requirements of the Eyewitness Identification Procedures model policy, established and published by the Minnesota Board of Peace Officer Standards and Training (POST) (Minn. Stat. § 626.8433).

See attachment: Eyewitness Identification Procedures model policy.pdf

604.3 INTERPRETIVE SERVICES

Members 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 officer 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.

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604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations 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 should include appropriate forms or reports that provide:

(a) The date, time, and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of the POST model policy.

The process and related forms should be reviewed at least annually and modified when necessary.

All members are also required to review and follow the Eyewitness Identification Procedures associated with this policy.

604.4.1 POST REQUIREMENTS

The Investigations Division supervisor should remain familiar with the requirements contained in the Eyewitness Identification Procedures model policy issued by POST and incorporate these, as necessary, into the eyewitness identification process for use by members when conducting photographic and live lineups.

604.5 EYEWITNESS IDENTIFICATION

Members 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. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.

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- 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.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

Detailed procedures for field identifications, photo arrays, and live line-ups have been established and are located at this link (Procedure 604): St. Louis Park PD Procedures Manual: 604.1 Procedure for Eyewitness Identifications

604.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

Photographic lineups are the preferred eyewitness identification process. When a photographic lineup cannot be done or a different method is more reasonable under the circumstances, the investigating officer may use a live lineup or field identification.

When conducting a live lineup, the member presenting the lineup should not be involved in the investigation or know the identity of the suspect (Minn. Stat. § 626.8433).

When conducting a photographic lineup, if practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications should be avoided whenever possible but may be helpful in certain cases where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

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(a) Obtain and document a complete description of the suspect from the witness.

(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) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up 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.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case 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.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The member conducting the lineup should document the reason that an audio and/or video recording was not obtained, if applicable.

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Property and Evidence Section

605.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property. Property belonging to persons in custody should be handled pursuant to policies guiding Juvenile Temporary Custody, Temporary Holding Facility, Jail Operations, and the operations procedures for each facility or operation.

See also Property and Evidence Procedures, located in Procedure Manual Ch. 6.

605.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property necessitating custody by the Department. The property officer reports to the Investigation Division supervisor and is responsible for the security of the Property and Evidence Section. Property and Evidence Section key access is maintained only by the property officer and the Investigation Division supervisor. Additional emergency access may be provided to the Chief of Police and/or Deputy Chief. The property officer and the Investigation Division supervisor shall not loan any physical Property and Evidence Section keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence Section other than the property officer must be accompanied by the property officer or the Investigation Division supervisor and will only do so for an approved purpose. Electronic access to this area is logged by the system and entry/exit is monitored by recorded video surveillance..

605.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

605.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room, along with the property label. Care shall be taken to maintain the chain of custody for all evidence.

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Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04 (a)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

An officer arresting a person for committing or aiding in committing a robbery, carjacking, or theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in the officer's custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The property may also be photographed, if possible, and the photos added to the report. The owner shall sign the documentation acknowledging receipt of the item(s), usually an affidavit of ownership form.

605.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property label describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The employee shall mark each item of evidence with initials and date.

(c) Items too small to mark, or that will be damaged or degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.

(d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(e) Place the case number in the upper right hand corner or in the appropriate field of the evidence/property tag.

(f) The original property documentation shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.

(g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property label placed into a numbered property locker indicating the location of the property.

605.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately from any other property items. Drug paraphernalia shall also be booked separately. This means not packaged in the same container or packaging as other items.

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The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker and follow established protocols for marking, field-testing, and other handling.

605.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the immediate supervisor or the Duty Sergeant. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property officer is responsible for transporting to the fire department or other designated disposal location, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

605.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the property officer or placed in the designated container for return to the Minnesota Department of Driver and Vehicle Services. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property officer, or placed in the bicycle storage area until a property officer can log the property.

(d) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

(e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

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605.3.5 COURT-ORDERED FIREARM SURRENDERS

(a) This department shall accept firearms surrendered by an abusing party or defendant pursuant to a court order (Minn. Stat. § 518B.03; Minn. Stat. § 624.7175).

(b) Members accepting surrendered firearms should complete a standardized Firearms Proof of Transfer form, if available. The individual should be provided with a copy of the Proof of Transfer form (Minn. Stat. § 518B.03, Subd. 3; Minn. Stat. § 624.7175). If a standard form is not available, an evidence/property form should be used and include the following information:

1. Whether the firearm is being transferred temporarily or permanently
2. The abusing party or defendant's name
3. The date and time of the transfer
4. Complete description of all firearms surrendered (e.g., make, model, serial number, color, identifying marks)

(c) In certain circumstances, a court may issue an order for the immediate transfer of firearms of an abusing party or defendant.

1. The Department may serve the court order either by assignment or when an officer comes into contact with an abusing party or defendant for which a court order has been issued but has not been served, or for which they are in violation. In such cases, if there are firearms that may be lawfully seized, they should be seized and submitted to the Property and Evidence Section pursuant to standard protocol.
2. If the abusing party or defendant is not cooperative, seek guidance from legal counsel to ensure that firearms are seized lawfully.
3. Permits possessed by the abusing party or defendant should be returned to the Sheriff where the person resides.

(d) The Property and Evidence Section shall develop and maintain a process to store, transfer, release, or dispose of firearms ordered surrendered by a court. The procedures shall:

1. Provide for adequate storage and protection so as to preserve the condition of the firearms.
2. Require a valid court order or written notice from the abusing party or defendant to be presented before any transfer of the firearms.
3. Ensure that recipients of transferred firearms are not legally prohibited from possession of firearms under state or federal law.
4. Provide for the transfer of firearms to a federally licensed firearms dealer or a third party who is eligible to possess firearms and does not reside with the subject, upon receipt of written notice from the subject.
5. Ensure that proper affidavits or proof of transfer are obtained from any designated firearms dealer or third party.

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6. Ensure that prior to disposition of unclaimed firearms, abusing parties or defendants are notified via certified mail.
    (a) A person who does not pay the storage fee, when applicable, for a temporary firearm transfer within 60 days of the firearm being transferred is considered to have abandoned their firearm (Minn. Stat. § 518B.03, Subd. 2).
7. Provide for the transfer of the firearms from a subject to a third party supervised by an officer or conducted in a safe zone under video surveillance and documentation requirements (Minn. Stat. § 518B.03, Subd. 2).
8. Provide for the storage and disposal of permanently transferred and abandoned firearms.
    (a) The Department may charge the subject a reasonable processing fee for surrenders pursuant to Minn. Stat. § 518B.03
9. Provide for the processing of documentation for permanently or temporarily transferred firearms.
10. Provide for the return of temporarily transferred firearms to the subject, upon request, after the expiration of the prohibiting time period, provided the subject is not otherwise prohibited from possessing firearms under state or federal law.

605.3.6 RECOVERED OR CONFISCATED FIREARMS

The Property and Evidence Section shall establish a process to transmit all required information to the United States Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center's eTrace system for any firearm recovered or confiscated as soon as practicable, in accordance with Minn. Stat. § 626.5536.

605.4 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances
(b) Firearms (ensure they are unloaded and booked separately from ammunition)
(c) Property with more than one known owner
(d) Drug paraphernalia
(e) Fireworks
(f) Contraband
(g) Biohazards

605.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances in a suitable container available for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns, and syringe tubes should be used to package syringes and needles.

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A property tag shall be securely attached to the outside of all items or group of items packaged together.

Property or evidence that is a potential biohazard should be plainly marked with a biohazard label.

605.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated locker, unless cause exists to delay weighing. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the results of this test shall be included in the officer's report.

Controlled substances shall be packaged in an envelope or heat-sealable plastic of appropriate size, available in the report room. The booking officer shall initial the sealed envelope.Controlled substances shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be properly documented.

605.4.3 RIGHT OF REFUSAL

The property officer has the right to refuse any piece of property that is not properly documented or packaged. Should the property officer refuse an item, they will maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting officer.

605.5 RECORDING OF PROPERTY

The property officer receiving custody of evidence or property shall ensure documentation of all transfers of property and ensure a permanent record of all property is maintained.

Any changes in the location of property held by the St. Louis Park Police Department shall be noted in the property system.

605.6 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and 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.

605.6.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances.
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.

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- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Controlled substances.
- Unclaimed, stolen or embezzled property.
- Destructive devices.

Money found in gambling devices by any peace officer, other than a municipal police officer, shall be paid into the county treasury. Money found in gambling devices by a municipal police officer shall be paid into the treasury of the municipality (Minn. Stat. § 626.04 (b)).

605.6.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in this policy Minn. Stat. § 345.38 and Minn. Stat. § 345.75).

605.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Investigation Division Supervisor

Biological evidence shall be retained for a minimum period established by law, the Property and Evidence Section Supervisor or the expiration of any sentence imposed related to the evidence (Minn. Stat. § 590.10), whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Property and Evidence Section Supervisor determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

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605.7 REPORT OF ABANDONED PROPERTY (MONEY)

The Investigations Division supervisor shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending June 30 each year and is to be filed before November 1 each year (Minn. Stat. § 345.41). This covers intangible personal property, such as stocks, bonds, or certificates, intellectual property, and money held in accounts.

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Brady Material Disclosure

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

606.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the St. Louis Park Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

606.2 POLICY

The St. Louis Park Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the St. Louis Park Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information as provided in this policy.

606.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

606.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information regarding a department member is located, the following procedure shall apply:

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(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or City Attorney should then be requested to file a motion in order to initiate an in-camera review by the court.

1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that data ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use and further dissemination of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

606.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

606.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

606.7 BRADY PROCESS

The Chief of Police shall be responsible to coordinate requests for Brady information.

The responsibilities of the coordinator include but are not limited to:

(a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

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606.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

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Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.1.1 DEFINITIONS

Definitions related to this policy include:

No-knock search warrant - A search warrant authorizing officers to enter certain premises without first loudly and understandably announcing the officer's presence or purpose and waiting an objectively reasonable amount of time thereafter for the occupant to comply, based on a totality of the circumstances, prior to entering the premises (Minn. Stat. §626.14, Subd. 2.).

607.2 POLICY

It is the policy of the St. Louis Park Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 INCIDENT COMMANDER

The incident commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service. In many cases the incident commander role will be filled by the SWAT commander, Watch Commander, or other command staff member, based on the nature of the operation.

The incident commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the SWAT/incident commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the incident commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

1. No-knock search warrant applications shall comply with the requirements, including the reporting requirements to the Commissioner of Public Safety, as provided by Minn. Stat. § 626.14.

(b) A clear explanation of the affiant's training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

607.7 NO-KNOCK WARRANTS

For no-knock search warrants (where officers are authorized to enter certain premises without first knocking and announcing their presence or purpose prior to entering), warrant applications must include, in detailed terms, the following (from MS 626-14):

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(a) why peace officers 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; and

(c) whether the warrant can be effectively executed during daylight hours

The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties. The Chief's designee for this purpose may be the Deputy Chief, or the Investigations, Patrol, or Administrative Lieutenant.

A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

607.7.1 REPORTING REQUIREMENTS FOR NO-KNOCK WARRANTS

The Chief of Police or designee shall report to the commissioner of public safety regarding the use of no-knock warrants, including a report on each use of a no-knock warrant to the commissioner no later than three months after issuance. The report shall include the following:

(a) the number of no-knock search warrants requested;

(b) the number of no-knock search warrants the court issued;

(c) the number of no-knock search warrants executed;

(d) the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants; and

(e) any other information the commissioner requests.

607.8 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk (including no-knock warrants) and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

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(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

607.9 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.10 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts, and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

Any property seized during a warrant service will be processed in accordance with the Property and Evidence Section Policy.

607.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

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- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the St. Louis Park Police Department are utilized appropriately. Any concerns regarding the requested use of St. Louis Park Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Duty Sergeant should assume this role.

If officers intend to serve a warrant outside St. Louis Park Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the St. Louis Park Police Department when assisting outside agencies or serving a warrant outside St. Louis Park Police Department jurisdiction.

607.12 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.13 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

607.15 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

(See also requirements for no-knock warrants and no-knock warrant reporting requirements, above.)

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Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the St. Louis Park Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 INCIDENT COMMANDER

The Chief of Police will designate a member of this department to be the incident commander. Generally this will be the SWAT commander for high risk and SWAT operations.

The incident commander will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The incident commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The commander will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the incident commander.

The supervisor and incident commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the incident commander, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Special Weapons and Tactics (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation

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7. Additional surveillance
8. Canines
9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received. The RISSAFE system is used for this purpose and is designed to link agencies to prevent investigative conflicts, alert other divisions/sections and personnel to potential conflicts, and provide enhanced safety to officers involved in drug investigations or other activities involving the same topic.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

For purposes of this policy section, drug investigation and/or drug investigative activity includes, but is not limited to: drug arrests, undercover buys, buy-busts, controlled deliveries, extended surveillance, search warrants, and meetings with suspects in trafficking activity.

608.6 OPERATIONS PLAN

The incident commander should ensure that a written operations plan is developed for all high-risk operations.Plans should also be considered for other operations that would benefit from having a formal plan.
The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

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(a) The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

(b) The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

(c) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

(d) Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing and approving reports.

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608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk or search warrant operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Any items to be seized should be identified at the briefing.

(c) The incident commander shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 SWAT PARTICIPATION

If the incident commander determines that SWAT participation is appropriate, the commanderand the SWAT supervisor shall work together to develop a written plan. In many cases the SWAT commander may also be the incident commander. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

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608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

608.11 TRAINING

The Training Sergeant should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Scrap Metal Theft Investigation

609.1 PURPOSE AND SCOPE

This policy provides guidance regarding scrap metal theft investigations.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, including a scrap metal processor, as defined in Minn. Stat. § 325E.21.

609.2 POLICY

The St. Louis Park Police Department recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

609.3 INSPECTIONS AND AUDITS

An officer engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

(a) Conduct inspections and audits of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.

(b) Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.

(c) Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections or audits should be referred to the City attorney for criminal prosecution.

609.4 INVESTIGATIVE HOLDS

An officer who has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator, or that scrap metal in the possession of a scrap metal dealer, is stolen or is evidence of a crime may verbally order the operator or dealer not to process, sell, remove or allow the removal of the item for 30 days (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

The officer issuing the order is responsible for ensuring that the order to hold the item is confirmed in writing within 72 hours. If the item is identified as evidence in an active criminal case, the officer may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.

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609.5 SEIZING ITEMS

The investigating officer should confer with the prosecuting attorney to determine whether the item should be confiscated. If the item is evidence or otherwise needed for an investigation or prosecution, the officer may issue a written notice to confiscate any time during the investigative hold. The officer shall take custody of the item within 15 days of the notice to confiscate (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

When an item is confiscated, the officer shall:

(a) Provide the operator or dealer a property receipt that includes at least the following:

1. The name and telephone number of the Department.
2. The name and telephone number of the officer.
3. The case number related to the confiscation.

(b) Deliver the item to the Property and Evidence Section.

When a confiscated item is no longer needed for an investigation or prosecution, it may be returned to a registered owner only after giving the operator or dealer from whom the item was seized written notice of intent to do so. The written notice should include notice of the right of the operator or dealer to make a written request for return of the item and that if the Department does not return the item within 48 hours of the request, excluding Saturday, Sunday or legal holidays, the operator or dealer may file a petition for the return of the item in the district court in the district in which the property was seized (Minn. Stat. § 626.04).

609.6 TERMINATION OF HOLD OR NOTICE TO CONFISCATE

At the conclusion of any investigation and prosecution, the officer who issued the investigative hold or a notice to confiscate property not yet confiscated shall notify the operator or dealer in writing that the hold or notice is no longer in effect (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

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Public Safety Information / Analysis

610.1 PURPOSE AND SCOPE

Public safety information analysis should provide currently useful information to aid operational personnel in meeting its tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition and providing analysis of data from field interrogations and arrests. Public safety information can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

610.2 DATA SOURCES

Public safety information data is extracted from many sources including, but not limited to:

- Crime reports
- Parole and probation records
- Computer Aided Dispatch data
- Department of Public Safety - Crime Records Service

610.3 PUBLIC SAFETY INFORMATION ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

610.4 PUBLIC SAFETY INFORMATION ANALYSIS DISSEMINATION

For a public safety information analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Investigative Cash Fund

611.1 POLICY AND SCOPE

Confidential funds are critical to the enforcement efforts of the police department for the purchase of controlled substances, the purchase of information, and to pay other investigative expenses. The purpose of this standard operating procedure is to protect the integrity of the officers and provide strict accountability for the use of confidential funds.

This standard operating procedure applies to all members of the police department and the distribution of all investigative cash funds.

611.2 RESPONSIBILITY

The chief of police will designate one staff officer above the rank of sergeant to oversee fund administration. The designated officer shall assure that all cash funds are administered in accordance with this procedure and the procedures of the City of St. Louis Park. The designated officer shall also assure compliance with statutes and regulations of the State of Minnesota and United States, and any restrictions or regulations applicable to funds committed to any cash fund. Misuse of fund monies (e.g., personal use or other uses not authorized in this policy) are grounds for disciplinary action.

611.3 AUTHORIZED EXPENDITURES

(a) Police department cash funds may be expended for the following purposes:

1. To purchase evidence.
2. To pay informants.
3. To pay for business expenses incurred during surveillance, undercover vice, or narcotics.
4. Emergency expenses incurred during investigative activities. (Receipts for emergency expenditures shall be obtained if possible).

(b) Emergency expenses are investigative expenses where the necessity to act precludes using normal city procedures to obtain funds through the city's routine procedures. Funds used to make emergency payments will be replaced, as soon as practical through routine requisition procedures.

611.4 OPERATIONAL STANDARDS

Storing of funds: cash funds shall be secured in a safe or other secure area where access is limited to the persons specified in this procedure.

1. Authorized access to funds: The following persons are authorized to have access to the investigative cash fund:
    1. Chief of Police
    2. Deputy Chief
    3. Lieutenants

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4. Sergeants

2. Accounting for expenditures:

3. A cash ledger shall be kept for the fund.

    1. All withdrawals and returns will be dated and signed for by the person to whom the funds are provided and a witness who has authority to access the funds. A payment form will be completed. (See attachment on pages seven and eight in this section).

    2. Funds not used in a transaction shall be returned to the cash fund within seventy two hours, dated, and signed back in.

    3. All funds utilized in the purchase of evidence or other contraband will be photocopied or prerecorded by serial number.

    4. Receipts for items purchased should be obtained whenever possible.

CASH FUND ACCOUNTING:

(a) The cash fund balance shall be maintained at a level between two hundred and fifty dollars and five hundred dollars.

(b) A cash fund reserve may be maintained in the property room.

(c) A sergeant may authorize single expenditures of up to one hundred dollars. Any single expenditure request of over one hundred dollars must be pre-approved by a lieutenant, deputy chief, or the Chief of Police.

(d) Any ledger or cash fund discrepancy must be immediately reported in writing to the chief of police or his / her designee.

(e) Each duty sergeant is responsible for physically checking the cash fund at the beginning of each shift and indicating the balance on the jail log.

(f) Replenishing the fund: The department replenishes the money if the fund goes below two hundred and fifty dollars. The chief's designee submits a request for funds to the Chief of Police in order to maintain the approved balance.

QUARTERLY AND ANNUAL REVIEWS OF CASH FUND:

(a) Recurring Review: Throughout the year on a recurring basis, the chief's designee, with another staff officer in attendance, shall physically count the money on hand and compare the balance to the cash fund accounting book. An entry noting the amount of cash shall be entered in the book with any discrepancies noted. The chief of police shall be informed of the fund status in writing.

(b) Annual Review: At least annually, the chief's designee, with another staff officer in attendance, shall conduct an audit of the books concerning these funds. An entry noting the amount of cash shall be entered in the book with any discrepancies noted. The Chief of Police shall be informed of the annual fund status in writing. Unannounced audits may be ordered at anytime by the Chief of Police or designee.

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Forensic Genetic Genealogy

612.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

612.2 POLICY

The St. Louis Park Police Department's use of FGG will be in coordination with prosecutors, the Medical Examiner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to

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maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

612.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved felony.
2. The unidentified human remains of a suspected homicide victim.

(b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

612.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required (Minn. Stat. § 325F.995).

In the case of unidentified human remains, the lead investigator should also consult with the Medical Examiner.

612.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

612.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

612.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

612.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

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(a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Medical Examiner for an amendment to a certificate of death.

612.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

612.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the property officer and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Section Policy for guidelines regarding biological evidence, including DNA samples.

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Facial Recognition Technology Use

613.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by an officer to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

613.2 POLICY

It is the policy of the St. Louis Park Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

613.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

613.4 FRT COORDINATOR

The Chief of Police or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

(a) Establishing procedures for department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:

1. A process for submitting and assessing officer requests to use FRT.
2. Requirements related to processing and reviewing results generated from the use of FRT.

(b) Establishing procedures for collecting, processing, and storing FRT data.

(c) Establishing procedures for access and security controls for department FRT systems, services, and data.

1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.

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(d) Establishing a procedure for submitting images to the image database. The procedure should include:

1. A requirement that officers submit images.
2. Restrictions related to the use of images voluntarily provided to the Department by members of the public (e.g., driver's license, state identification, passport, any other official identification that includes a photograph).

(e) Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).

(f) Conducting periodic audits of department FRT use.

1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.

(g) Confirming that authorized users have completed department-approved FRT and forensic image comparison training prior to using FRT.

(h) Coordinating with the Training Sergeant to develop, identify, and update FRT training for officers who utilize the FRT system.

(i) Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.

(j) Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.

(k) Coordinating with the information systems technology supervisor, department counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

613.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

(a) Unknown suspects where attempts at identification through other means have been exhausted or ineffective

(b) Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)

(c) Deceased individuals

(d) Individuals who are incapacitated or do not know their identities

(e) Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)

(f) Suspects in unsolved crimes

(g) Missing or endangered persons

(h) Unknown individuals pursuant to any other legitimate law enforcement purpose

613.6 ACCESS TO FRT

Only officers authorized by the Department may use FRT.

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Prior to using FRT, an officer seeking authorization shall submit a request to the appropriate supervisor consistent with department procedures.

The request should, at a minimum, include the following:

(a) The nature of the investigation

(b) The reason an officer believes that FRT use is necessary

(c) An explanation of how FRT may assist with the development of investigative leads

(d) A case identification number

613.7 FRT SEARCHES

An officer may submit a probe image for comparison with images available within the department FRT image database consistent with department procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by an officer trained in FRT.

613.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

613.7.2 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

(a) The requesting officer's name and position.

(b) Confirmation that the search was pre-approved pursuant to department procedures.

(c) The purpose of the search.

(d) The search parameters, if any.

(e) The date and time of the search.

(f) A list of any image databases searched.

(g) The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.

(h) The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

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613.8 PRIVACY CONSIDERATIONS

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the officer shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

613.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

(a) For the arrest of individuals based solely on FRT results.

(b) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.

(c) For any non-law enforcement purpose.

(d) As the sole basis for identification to establish probable cause in a criminal investigation.

(e) To harass or intimidate any individual or group.

(f) In any other manner that would violate applicable law, regulation, or policy.

No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

613.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

613.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

613.12 TRAINING

Officers whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following:

(a) Capabilities and limitations of FRT

(b) FRT system functions and interpretation of results

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(c) Data security and privacy concerns

(d) Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)

(e) Digital media handling and protections

(f) Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)

(g) Principles of comparison

(h) Cognitive bias, confirmation bias, implicit bias, and automation bias

(i) Applicable policy, procedure, and federal and state law requirements

An officer who uses mobile facial recognition shall receive additional training appropriate to that application of the technology.

The FRT coordinator shall maintain a record of each authorized officer's training and acknowledgement of this policy.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department 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 and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return reviewed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee’s intentional or negligent abuse or misuse of department 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 department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an appropriate review and direct communication to the appropriate Division Commander that shall include the result of his/her review 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.
3. The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(b) Except when otherwise directed by competent authority or required by exigent circumstances, Department 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.

(c) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority. This does not apply to excessively worn/soiled or damaged duty gear and uniforms.

(d) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor. This does not apply to excessively worn/soiled or damaged duty gear and uniforms.

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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 Chief of Police or appropriate Division Commander. 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 are excluded from this requirement. The Chief of Police or appropriate Division Commander 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 submitted to a 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 communication to the appropriate Division Commander that shall include the result of his/her review 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 Chief of Police, who will then forward the claim to the Finance Department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

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

Officers 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.

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(b) A written report, such as documentation in an official police 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. Photographs should be taken to accurately document the condition of the property.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her 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 Commander.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department 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 (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, 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, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The St. Louis Park Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance.

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Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee, or in emergency circumstances. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the St. Louis Park Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate

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compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

701.5.1 PUBLIC RECORDS

Work related information including data created, received, recorded or stored on a personally owned PCD in the course of department 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.).

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.

(b) All PCDs in the workplace shall 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). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

(h) Department members are prohibited from using a PCD to take any image or video, or make or receive copies of any such image or video that is of an illegal or

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prohibited type, including, but not limited to pornographic work involving minors (child pornography).

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 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. Officers operating emergency vehicles should restrict the use of these devices to matters involving official duties and, where practicable, stop the vehicle at an appropriate location to use the PCD (Minn. Stat. § 169.475).

Except in an emergency, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Minn. Stat. § 169.475). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members 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 information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance. Marked department patrol vehicles should be fully refueled before the end of the member's shift.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance personnel for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspection and repair as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as reasonably possible. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- 1 roll crime scene barricade tape
- 1 first aid kit, fully stocked
- 1 blanket
- 1 fire extinguisher

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- 1 sharps container
- 1 hazardous waste disposal bag
- 1 hazardous materials emergency response handbook

702.3.2 UNMARKED VEHICLES

An employee driving an unmarked department vehicle shall ensure that, at minimum, the equipment listed below is present in the vehicle:

- Emergency road flares
- 1 roll crime scene barricade tape
- 1 first aid kit, fully stocked
- 1 blanket
- 1 hazardous materials emergency response handbook

702.3.3 MEDICAL BAG/FIRST AID KIT - REQUIRED ELEMENTS

In accordance with the standards set out above, it is the responsibility of employee driving the patrol or unmarked department vehicle to ensure the vehicle's medical bag/first aid kit is fully stocked at the start of their shift. The required elements list is below.

1. Shears (1)
2. 3" Elastic Bandage (Ace Bandage, roll with metal clips to secure on injured person) (1)
3. 4x4" or similar sterile sponge or gauze pad (4)
4. 3"x10-yd. or similar stretch bandage gauze, such as "Kerlix" (2)
5. Adhesive bandages, such as "Band-Aids" (16)
6. Triangular bandages or arm slings (2)
7. 12x30" or similar multi-trauma dressing (1)
8. 5x9" or similar abdominal pads (3)
9. Full roll of waterproof cloth or paper adhesive tape (1)
10. Instant cold pack (1)
11. Pairs of exam gloves (backup for other officers) (2 pr., size XL)
12. Oxygen cylinder (full), with regulator, and necessary attachments (1)
13. Adult bag valve mask (1)
14. Pediatric bag valve mask (1)
15. Adult oxygen mask (rebreather) (1)
16. Pediatric oxygen mask (rebreather) (1)
17. Tourniquet (1)

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18. Reusable suction device, including replaceable collection tube element (V-vac or similar) (1)

It is the responsibility of the employee who used any of the above items to ensure they are replenished in the medical bag/first aid kit after use. (Sources for these items are on-site ambulance personnel, medical supply room, or see the equipment sergeant.

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers on patrol shall notify dispatch either on the radio or electronically before responding to the car wash. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Documents containing non-public data should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service, and request supervisor assistance to accomplish this if needed. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor. This does not apply to CSO-Cadets or Reserves stopped and assisting with traffic control, or at accident scenes.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of St. Louis Park to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

703.2 POLICY

The St. Louis Park Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

Marked patrol vehicles shall be assigned to patrol officers based on the squad number corresponding to their assigned district. For example, the officer assigned to day shift for district 41, should generally drive the newest patrol vehicle whose number designation ends in -01. If this vehicle is not available or will remain in use by other personnel for an extended period, the officer should drive the next newest patrol vehicle whose number designation corresponds to their assigned patrol district. Supervisors will monitor vehicle use by patrol officers to ensure compliance with this policy.

703.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Duty Sergeant.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance garage or car wash.

703.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. 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.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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All department 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.

703.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should 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 (e.g., continued activation of emergency lights, safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.4 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information immediately when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Duty Sergeant and Dispatch. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys with the exception of their assigned locker key. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride

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as passengers in the vehicle, except as stated in the Ride-Along Policy and other portions of this manual.

703.3.8 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING
Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in designated stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor, such as for short term load/unload only. Privately owned motorcycles shall not be parked in the secure police lot located west of the station building.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.11 CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor. This does not apply to CSO-Cadets or Reserve officers stopped/parked assisting with traffic control or stationed at accident scenes.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

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703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the St. Louis Park City limits.

(d) Off-street parking will be available at the member's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of St. Louis Park is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of St. Louis Park may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.

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2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from the Chief of Police or Division Commanders.
4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the St. Louis Park Police Department or while off-duty, an officer should not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

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Officers driving take-home vehicles should be armed when driving to-and-from work and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify their supervisor and/or the division Lieutenant. Any collision report shall be filed with the agency having jurisdiction (see the Traffic Collisions Policy).

Damage to any department 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 the Duty Sergeant. An administrative investigation may be initiated to determine if there has been any vehicle abuse or misuse. If an electronic database of vehicle damage is maintained, appropriate entries shall be made in this system.

703.7 TOLL ROADS

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

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To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence Section and Informants policies.

704.2 POLICY

It is the policy of the St. Louis Park Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every 12 months. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate 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 Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Drug Task Force supervisor duties shall discharge those duties in accordance with the Property and Evidence Section and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Section and Informants policies.

Cash in excess of $500 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The St. Louis Park Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Workplace Accident and Injury Reduction Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed industry standards for use at firing ranges (29 CFR 1910.95; Minn. R. 5205.0010).

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Range Officer or Equipment Sergeant shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133; Minn. R. 5205.0010).

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg, and groin protection should be provided.

705.7 RESPIRATORY PROTECTION

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; Minn. R. 5205.0010):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present, or when apparent conditions warrant use of respiratory PPE.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; Minn. R. 5205.0010):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge, or canister.

Detailed information on the management of the St Louis Park Police Department's Respiratory Protection Program, and related forms and documents, are maintained in the Respiratory Protection Program document, under the supervision of the Chief of Police's designated Respiratory Protection Program Coordinator(s).

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; Minn. R. 5205.0010):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

(e) Maintain their own gas mask/Air Purifying Respirator in good physical standard and working condition. Gas masks are to be stored at the St. Louis Park Police Department in a location designated by the M.F.F. Commander.

(f) As all members may be utilized to manage or move a crowd, they need to have a helmet with visor, gas mask or Air Purifying Respirator (A.P.R.) and a straight baton available to them.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; Minn. R. 5205.0010).

A scene commander may order the use of gas masks in situations where the use of an SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where

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a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste, or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

705.7.4 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; Minn. R. 5205.0010).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; Minn. R. 5205.0010):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; Minn. R. 5205.0010):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

(d) Complete this process every 5 years, unless there are significant physical changes in the member. Many of these changes will require self-reporting by the member to the Respiratory Coordinator and/or any associated training officers.

705.8 RECORDS

TheAdministrative division andTraining Sergeant is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

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(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020, and Minn. R. 5205.0010.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; Minn. R. 5205.0010).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; Minn. R. 5205.0010).

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Unmanned Aerial System (UAS) Operations

707.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS (Minn. Stat. § 626.19). Minnesota Statutes refer to these systems as "Unmanned Aerial Vehicles" (UAVs), and for purposes of this policy, and any related policies, these terms are understood to be interchangeable.

707.1.1 DEFINITIONS

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, possibly tethered to a control unit supplying power and controls, whether preprogrammed or remotely controlled without the possibility of direct human intervention from within or on the aircraft (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means (Minn. Stat. § 626.19).

707.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

707.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

707.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program, if one is in operation. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- 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 department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

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- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS, including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to 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 strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing annual reports on the program to the Chief of Police.
- Developing protocols for reviewing and approving requests for use of the department UAS by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- Posting the department policies and procedures regarding the use of UAV on the department website, as applicable (Minn. Stat. § 626.19).
- Reviewing the program and UAS use for compliance with Minn. Stat. § 626.19.

707.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protected privacy

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interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted and/or a search warrant obtained.

UAS operations should only be conducted when lighting and weather conditions do not affect safety, and a UAS should not be flown over populated areas without FAA approval, if required for the type of UAS equipment deployed.

Members shall not use a UAS without a search warrant, except (Minn. Stat. § 626.19):

(a) During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.

(b) Over a public event where there is a heightened risk to the safety of participants or bystanders.

(c) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.

(d) To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.

(e) To conduct a threat assessment in anticipation of a specific event.

(f) To collect information from a public area if there is reasonable suspicion of criminal activity.

(g) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.

(h) Over a public area for officer training or public relations purposes.

(i) For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use._

707.5.1 DOCUMENTATION REQUIRED

Each use of a UAS should be properly documented by providing the following (Minn. Stat. § 626.19):

(a) A unique case number (or documentation in a form attached to a unique case number)

(b) A factual basis for the use of a UAS

(c) The applicable exception, unless a warrant was obtained

707.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.

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- To conduct personal business of any type.

The UAS shall not be weaponized (Minn. Stat. § 626.19).

707.6.1 ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAS shall not be deployed with facial recognition or biometric matching technology (Minn. Stat. § 626.19).

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

707.7 RETENTION OF UAS DATA

The Records Section supervisor shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).

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Body-worn Cameras (BWC)

706.1 PURPOSE

The primary purpose of using body-worn-cameras (BWCs) is to:

(a) Capture evidence arising from a police-citizen contact.

(b) Assist with accurate report writing.

(c) Allow for transparency and accountability in policing and protect the civil rights of the community.

This policy sets forth guidelines governing the use of BWCs and administering the data that results. Compliance with these guidelines is mandatory, but it is recognized that officers must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain, and rapidly evolving.

706.2 OBJECTIVES

The St. Louis Park Police Department has adopted the use of portable audio/video recorders to accomplish the following objectives:

(a) To enhance officer safety.

(b) To document statements and events during the course of an incident.

(c) To enhance the officers ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.

(d) To preserve audio and visual information for use in current and future investigations.

(e) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio-video recording.

(f) To promote the civility of police-civilian encounters

(g) To provide objective evidence to help resolve civilian complaints against police officers and the City of St. Louis Park.

(h) To protect the civil rights of the community.

(i) To assist with training and evaluation of officers.

706.3 POLICY

It is the policy of this department to authorize and require the use of department-issued BWCs as set forth below, and to administer BWC data as provided by law.

706.4 SCOPE

This policy governs the use of BWCs in the course of official duties. It does not apply to the use of squad-based (dash-cam) recording systems. The Chief of Police or the chief's designee may supersede this policy by providing specific instructions for BWC use to individual officers, or providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations where their use might be perceived as a

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form of political or viewpoint-based surveillance. The chief or designee may also provide specific instructions or standard operating procedures for BWC use to officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities. In the event the chief does supersede policy by providing specific instructions for use, a written report will be submitted to the City Manager.

706.5 DEFINITIONS

The following phrases have special meanings as used in this policy:

(a) **MGDPA or Data Practices Act** refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.

(b) **Records Retention Schedule** refers to the General Records Retention Schedule for Minnesota Cities

(c) **Law enforcement-related information** means information captured or available for capture by use of a BWC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

(d) **Evidentiary Value** means that the information may be useful as proof in a prosecution or defense of a criminal action, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

(e) **General Citizen Contact** means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.

(f) **Adversarial** means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

(g) **Unintentionally recorded footage** is a video recording that results from an officer's inadvertence or neglect in operating the officer's BWC, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.

(h) **Official duties,** for purposes of this policy, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.

706.6 TRAINING

All users of a BWC will be trained on the cameras operation and this policy prior to deploying one.

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706.7 USE AND DOCUMENTATION

Officers may use only department-issued BWCs in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.

All officers working uniform patrol, Community Service Officer (CSO)-Cadets trained and qualified on Conducted Energy Weapon (CEW), uniform special details, traffic duties, and uniform school resource officer duties shall use a BWC unless permission has been granted by a supervisor to deviate from this clause. Plain clothes investigators/officers and administrators are allowed to use BWC when interacting with citizens, when appropriate.

Officers who have deployed a BWC shall operate and use them consistent with this policy. Officers shall conduct a function test of their issued BWCs at the beginning of each shift to make sure the devices are operating properly. Officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the officer's supervisor and shall document the report in writing. As soon as is practical, the malfunctioning BWC shall be put down for service and the officer should deploy a working BWC. If a BWC malfunctions while recording, is lost, or damaged the circumstances shall be documented in a police report and a supervisor shall be notified. Supervisors shall take prompt action to address malfunctions and document the steps taken in writing.

Officers should wear their BWC in a conspicuous manner at the location on their body and manner specified in training.

Officers must document BWC use and non-use as follows:

(a) Whenever an officer makes a recording, the existence of the recording shall be documented in the records management system, an incident report, or a citation if completed.

(b) Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reasons for not recording in the records management system or incident report. Supervisors shall review these reports and initiate any corrective action deemed necessary.

The department will maintain the following records and documents relating to BWC use, which are classified as public data:

(a) The total number of BWCs owned or maintained by the agency;

(b) A daily record of the total number of BWCs actually deployed and used by officers and, if applicable, the precincts in which they were used;

(c) The total amount of recorded BWC data collected and maintained; and

(d) This policy, together with the Records Retention Schedule.

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706.8 GENERAL GUIDELINES FOR RECORDING

This policy is not intended to describe every possible situation in which the BWC should be activated, although there are many situations where use of the BWC is appropriate. Officers should activate the BWC any time the user believes it would be appropriate or valuable to record an incident.

Officers shall activate their BWCs when anticipating that they will be involved in, become involved in, or witness other officers of this agency involved in a pursuit, Terry frisks, a traffic stop of a motorist, an investigative stop of a pedestrian, searches, seizures, arrests, response to resistance incidents, any encounter that becomes in any way hostile or confrontational (also known as) adversarial contact, and during other activities likely to yield information having evidentiary value. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (E)(2) (above).

Officers have discretion to record or not record general citizen contacts.

Officers will wear their camera in a conspicuous manner as specified in training. Officers have no affirmative duty to inform people that a BWC is being operated or that the individuals are being recorded. Officers may make an announcement that BWCs are being used.

Once activated, the BWC should continue recording until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. The supervisor having charge of a scene shall likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. If the recording is discontinued while an investigation, response, or incident is ongoing, officers shall state the reasons for ceasing the recording on camera before deactivating their BWC. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value. Any decision to discontinue recording shall be made with respect to the seven policy objectives.

Officers shall not intentionally block the BWC's audio or visual recording functionality to defeat the purposes of this policy. This does not prevent an officer from temporarily blocking the visual recording while ensuring audio data is collected during an encounter with persons who are nude or when sensitive human areas are exposed.

Notwithstanding any other provision in this policy, officers shall not use their BWCs or any other device to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations, unless recording is authorized as part of a criminal investigation.

706.9 SPECIAL GUIDELINES FOR RECORDING

Officers may, in the exercise of sound discretion, determine:

(a) To use their BWCs to record any police-citizen encounter if there is reason to believe the recording would potentially yield information having evidentiary value, unless such recording is otherwise expressly prohibited.

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(b) To use their BWCs to take recorded statements from persons believed to be victims of and witnesses to crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect. The preferred method of recording a formal statement from a victim, witness or suspect is using currently approved audio recording devices/software compatible with records management dictation software.

In addition,

(a) Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, BWCs shall be activated as necessary to document any response to resistance and the basis for it, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

(b) Officers should use their BWC and/or squad-based audio/video systems to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails, but otherwise should not record in these facilities unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or response to resistance incident.

706.10 JUVENILE RESPONSE OFFICERS

The St. Louis Park Police Department recognizes that the duties and working environment for Juvenile Response Officers (JROs) are unique within policing. It recognizes they are required to maintain school safety while keeping the sanctity of the learning environment that the school provides. They are expected to build trusting relationships with students and staff. They often have impromptu interventions with students to deescalate arguments and/or conflicts. It is with this understanding that the St. Louis Park Police Department provide special guidelines for these officers and their BWC.

The BWC should be activated in any of the following situations:

(a) When summoned by any individual to respond to an incident where it is likely that law enforcement action will occur when you arrive.

(b) Any self-initiated activity where it is previously known that you will make a custodial arrest.

(c) Any self-initiated activity where it is previously known that you're questioning / investigation will be used later in a criminal charge.

(d) When feasible a JRO shall activate the BWC when the contact becomes adversarial or the subject exhibits unusual behaviors.

Nothing in the policy undermines the fact that in many instances JROs are suddenly forced to take law enforcement action and have no opportunity to activate the BWC. It is also recognized

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that JROs have private (confidential) conversations with juveniles. It is not always appropriate to record these conversations as it diminishes the trust between the individual and the JRO.

706.11 DOWNLOADING AND CATEGORIZING DATA

Each officer using a BWC is responsible for transferring or assuring the proper transfer of the data from their camera to the BWC server by the end of that officer's shift. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's BWC and consult with their supervisor.

Officers shall categorize the BWC data files of each video capture and should consult with a supervisor if in doubt as to the appropriate category. The selected category(ies) shall determine the retention times per the general records retention schedule established by the Minnesota Clerks and Finance Officers Association (MCFOA).

In addition, officers shall categorize each file appropriately, in the manner specified in training, with the appropriate category to indicate the information it contains. Some data subjects may have rights under the MGDPA limiting disclosure of information about them. These individuals include:

(a) Victims and alleged victims of criminal sexual conduct and sex trafficking.

(b) Victims of child abuse or neglect.

(c) Vulnerable adults who are victims of maltreatment.

(d) Undercover officers.

(e) Informants.

(f) When the video is clearly offensive to common sensitivities.

(g) Victims of and witnesses to crimes, if the victim or witness has requested not to be identified publicly.

(h) Individuals who called 911, and services subscribers whose lines were used to place a call to the 911 system.

(i) Mandated reporters

(j) Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness.

(k) Juveniles who are or may be delinquent or engaged in criminal acts.

(l) Individuals who make complaints about violations with respect to the use of real property.

(m) Officers and employees who are the subject of a complaint related to the events captured on video.

(n) Other individuals whose identities the officer believes may be legally protected from public disclosure.

Category and flag designations may be corrected or amended based on additional information.

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706.12 ADMINISTERING ACCESS TO BWC DATA

A. **Death resulting from force—access to data by survivors and legal counsel.**

1. Notwithstanding any other law or policy to the contrary, when an individual dies as a result of force used by an officer of this agency, all BWC data documenting the incident, redacted only as required by law, must be made available for inspection by any of the following individuals within five days of their request:

   (a) The deceased individual's next of kin.

   (b) The legal representative of the deceased individual's next of kin.

   (c) The other parent of the deceased individual's child.

2. The request may be denied if there is a compelling reason that inspection would interfere with an active investigation. If access is denied, the chief of police or designee must provide a prompt, written denial to the requestor with a short description of the compelling reason that access was denied. The written denial must also provide notice that relief may be sought from the district court pursuant to Minnesota Statutes section 13.82, subdivision 7.

B. **Death resulting from force—release of data to the public.** When an individual dies as a result of force used by an officer of this agency, all BWC data documenting the incident, redacted only as required by law, must be released and classified as public within 14 days after the incident, unless the chief of police or designee asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by Minnesota Statutes section 13.82, subdivision 7.

Data subjects. Under Minnesota law, the following are considered data subjects for purposes of administering access to BWC data:

(a) Any person or entity whose image or voice is documented in the data.

(b) The officer who collected the data.

(c) Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.

BWC data is presumptively private. BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

(a) BWC data pertaining to people is presumed private, as is BWC data pertaining to businesses or other entities.

(b) Some BWC data is classified as confidential (see "Confidential Data," below).

(c) Some BWC data is classified as public (see "Public Data," below).

Confidential data. BWC data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the "private" classification listed above and the "public" classifications listed below

Public data. The following BWC data is public:

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(a) Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous.

(b) Data that documents the use of force by a peace officer that results in substantial bodily harm.

(c) Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted [if practicable]. In addition, any data on undercover officers must be redacted.

(d) Data that documents the final disposition of a disciplinary action against a public employee.

However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. § 13.82, subd. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.

706.13 ACCESS TO DATA BY NON-EMPLOYEES, DEPARTMENT MEMBERS, AND OTHER DISCLOSURES

Access to BWC data by non-employees. Officers shall refer members of the media or public seeking access to BWC data to the administrative lieutenant or their designee, who shall process the request in accordance with the St. Louis Park Police Department's applicable processes and policies and other governing laws. In particular:

(a) An individual shall be allowed to review recorded BWC data about self and other data subjects in the recording, but access shall not be granted:

1. If the data was collected or created as part of an active investigation.
2. To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.

(b) Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:

1. Data on other individuals in the recording who do not consent to the release must be redacted.
2. Data that would identify undercover officers must be redacted.
3. Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

Access by peace officers and law enforcement employees. No employee may have access to the department's BWC data except for legitimate law enforcement or data administration purposes:

(a) Officers may access, share, view and download stored BWC video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Officers may review video footage of an

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incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident. Officers shall not use the fact that a recording was made as a reason to write a less detailed report.

(b) Personal devices shall not be used to capture, record, transfer, store or view any BWC videos, photos or other evidence.

(c) Supervisors may view recordings at any time they are making inquiry into an alleged complaint, performance issue, or policy violation.

(d) Supervisors and dispatchers may access BWC data in real time through available streaming functions for the purpose of:

1. A specific officer safety concern,
2. On events with a tactical/incident command system in place where it would improve tactical awareness and support safety (SWAT, major events), and/or
3. At the request of the officer that is wearing the BWC capable of streaming their video, for a work-related purpose.
4. **Note:** Users should be aware this use is tracked to their username and can be audited by supervisors at any time. Dispatchers should seek approval from the Dispatch Supervisor, or Duty Sergeant in their absence, before use of this function, when feasible.

(e) Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading BWC data recorded or maintained by this agency to public and social media websites. All incidents of access to BWC data are digitally logged. Allegations of inappropriate access to BWC data will be investigated and based on the finding, discipline may result.

(f) Employees seeking access to BWC data for non-business reasons may make a request for it in the same manner as any member of the public.

Other authorized disclosures of data. Officers may display portions of BWC footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. § 13.82, subd. 15, as may be amended from time to time. These displays will generally be limited in order to protect against the incidental disclosure of individuals whose identities are not public. Any displays will take place at the St. Louis Park Police Department with the approval of a supervisor. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,

(a) An officer may request a supervisor respond to the scene and request approval for a display to take place outside the St. Louis Park Police Department.

(b) BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure

(c) BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

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706.14 DATA SECURITY SAFEGUARDS

Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view agency BWC data.

Officers shall not intentionally edit, alter, or erase any BWC recording unless otherwise expressly authorized by the Chief of Police or the Chief's designee.

As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its BWC program.

706.15 AGENCY USE OF DATA

To ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required supervisors will review each officer's BWC recordings during each officer's trimester evaluation or more frequently if there is reason to do so.

In addition, supervisors and other assigned personnel may access BWC data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.

When a video is accessed or reviewed via Evidence.com, a notation shall be entered into the "Notes" section of the screen stating the reason for access.

Nothing in this policy limits or prohibits the use of BWC data as evidence of misconduct or as a basis for discipline.

Officers should contact their supervisors to discuss retaining and using BWC footage for training purposes. Officer objections to preserving or using certain footage for training will be considered by the chief of Police on a case-by-case basis. Field training officers may utilize BWC data with trainees for the purpose of providing coaching and feedback on the trainees' performance.

706.16 DATA RETENTION

All BWC data shall be retained for a minimum period of 90 days. There are no exceptions for erroneously recorded or non-evidentiary data.

Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous, must be maintained for a minimum period of one year.

Certain kinds of BWC data must be retained for six years:

(a) Data that documents the use of deadly force by a peace officer, or force of a sufficient type or degree to require a response to resistance report or supervisory review.

(b) Data documenting circumstances that have given rise to a formal complaint against an officer.

Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.

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Subject to the policy on written requests by BWC data subjects (below), all other BWC footage that is classified as non-evidentiary, becomes classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.

Upon written request by a BWC data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 1 year. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.

The department shall maintain an inventory of BWC recordings having evidentiary value.

The department will post this policy, together with a link to its Records Retention Schedule, on its website.

In the event that a BWC data file is inaccurately categorized by an officer, or additional information is gained that suggests a data file category should be changed, the officer shall notify their immediate supervisor of the required change(s).

706.17 COMPLIANCE

Supervisors shall monitor for compliance with this policy. Depending on the circumstances, violations of the policy may result in coaching and counseling, oral reprimand, written reprimand, suspension or termination. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

Notification will be made to the MN Bureau of Criminal Apprehension within ten days of obtaining new surveillance technology that expands the type or scope of the agency's portable recording system.

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In-Car Cameras (ICC)

707.1 PURPOSE

The primary purpose of using in-car cameras (ICCs) is to:

(a) Capture evidence arising from a police-citizen contact.

(b) Assist with accurate report writing.

(c) Allow for transparency and accountability in policing and protect the civil rights of the community.

This policy sets forth guidelines governing the use of ICCs and administering the data that results. Compliance with these guidelines is mandatory, but it is recognized that officers must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain, and rapidly evolving.

707.2 OBJECTIVES

The St. Louis Park Police Department has adopted the use of portable audio/video recorders to accomplish the following objectives:

(a) To enhance officer safety.

(b) To document statements and events during the course of an incident.

(c) To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.

(d) To preserve audio and visual information for use in current and future investigations.

(e) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio-video recording.

(f) To promote the civility of police-civilian encounters

(g) To provide objective evidence to help resolve civilian complaints against police officers and the City of St. Louis Park.

(h) To protect the civil rights of the community.

(i) To assist with training and evaluation of officers.

707.3 POLICY

It is the policy of this department to authorize and require the use of department-issued ICCs as set forth below, and to administer ICC data as provided by law.

707.4 SCOPE

This policy governs the use of ICCs in the course of official duties.The Chief of Police or the chief's designee may supersede this policy by providing specific instructions for ICC use to individual officers, or providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations where their use might be perceived as a form of political or viewpoint-based surveillance. The chief or designee may also

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provide specific instructions or standard operating procedures for ICC use to officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities. In the event the chief does supersede policy by providing specific instructions for use, a written report will be submitted to the City Manager.

707.5 DEFINITIONS

The following phrases have special meanings as used in this policy:

(a) **MGDPA or Data Practices Act** refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.

(b) **Records Retention Schedule** refers to the General Records Retention Schedule for Minnesota Cities.

(c) **Law enforcement-related information** means information captured or available for capture by use of an ICC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

(d) **Evidentiary Value** means that the information may be useful as proof in a prosecution or defense of a criminal action, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

(e) **General Citizen Contact** means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a tow truck, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.

(f) **Adversarial** means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

(g) **Unintentionally recorded footage** is a video recording that results from an officer's inadvertence or neglect in operating the officer's ICC, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.

(h) **Official duties,** for purposes of this policy, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.

707.6 TRAINING, USE, AND DOCUMENTATION

Training: All users of an ICC will be trained on the cameras operation and this policy prior to deploying one.

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Use and Documentation

(a) Officers may use only department-issued ICCs in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.

(b) All officers working uniform patrol, uniform special details, traffic duties, and uniform school resource officer duties shall use an ICC unless permission has been granted by a supervisor to deviate from this clause. Plain clothes investigators/officers and administrators are allowed to use ICC when interacting with citizens, when appropriate.

(c) Officers who have deployed an ICC shall operate and use them consistent with this policy. Officers shall conduct a function test of their ICCs at the beginning of each shift to make sure the devices are operating properly. Officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the officer's supervisor. As soon as is practical, the malfunctioning ICC shall be put down for service and the officer should deploy a vehicle with a working ICC. If an ICC malfunctions while recording or is damaged the circumstances shall be documented in a police report and a supervisor shall be notified. Supervisors shall take prompt action to address malfunctions and document the steps taken in writing.

(d) Officers must document ICC use and non-use as follows:

1. Whenever an officer makes a recording, the existence of the recording shall be documented in the records management system, an incident report, or a citation if completed.

2. Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reasons for not recording in the records management system or incident report. Supervisors shall review these reports and initiate any corrective action deemed necessary.

707.7 GUIDELINES FOR RECORDING

General Guidelines for Recording

(a) This policy is not intended to describe every possible situation in which the ICC should be activated, although there are many situations where use of the ICC is appropriate. Officers should activate the ICC any time the user believes it would be appropriate or valuable to record an incident.

(b) Officers shall activate their ICCs when anticipating that they will be involved in, become involved in, or witness other officers of this agency involved in a pursuit, Terry frisks, a traffic stop of a motorist, an investigative stop of a pedestrian, searches, seizures, arrests, response to resistance incidents, any encounter that becomes in any way hostile, confrontational,or adversarial, and during other activities likely to yield information having evidentiary value. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (d)(2) (above).

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(c) When it is reasonable to expect that the citizen contact will occur outside the camera's field of view, such as in a home or building or other location distant from the patrol car, officers need not activate their ICCs if the officer is using a BWC to document the event.

(d) Officers have discretion to record or not record general citizen contacts.

(e) Officers have no affirmative duty to inform people that an ICC is being operated or that the individuals are being recorded. Officers may make an announcement that ICCs are being used.

(f) Once activated, the ICC should continue recording until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. The supervisor having charge of a scene shall likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. If the recording is discontinued while an investigation, response, or incident is ongoing, officers shall state the reasons for ceasing the recording on camera before deactivating their ICC. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value. Any decision to discontinue recording shall be made with respect to the nine policy objectives.

(g) Officers shall not intentionally block the ICC's visual recording functionality to defeat the purposes of this policy. This does not prevent an officer from temporarily blocking the visual recording during an encounter with persons who are nude or when sensitive human areas are exposed.

(h) Notwithstanding any other provision in this policy, officers shall not use their ICCs or any other device to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations, unless recording is authorized as part of a criminal investigation.

Special Guidelines for Recording

(a) Officers may, in the exercise of sound discretion, determine:

1. To use their ICCs to record any police-citizen encounter if there is reason to believe the recording would potentially yield information having evidentiary value, unless such recording is otherwise expressly prohibited.

(b) In addition,

1. Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, ICCs shall be activated as necessary to document any response to resistance and the basis for it, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

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2. Officers should use their BWC and ICC to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails, but otherwise should not record in these facilities unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or response to resistance incident.

707.8 DOWNLOADING AND CATEGORIZING DATA

Each officer using an ICC is responsible for transferring or assuring the proper transfer of the data from their camera to the ICC server by the end of that officer's shift. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's ICC system and consult with their supervisor.

Officers shall categorize the ICC data files of each video capture and should consult with a supervisor if in doubt as to the appropriate category. The selected category(ies) shall determine the retention times per the general records retention schedule established by the Minnesota Clerks and Finance Officers Association (MCFOA).

In addition, officers shall categorize each file appropriately, in the manner specified in training, with the appropriate category to indicate the information it contains. Some data subjects may have rights under the MGDPA limiting disclosure of information about them. These individuals include:

(a) Victims and alleged victims of criminal sexual conduct and sex trafficking.

(b) Victims of child abuse or neglect.

(c) Vulnerable adults who are victims of maltreatment.

(d) Undercover officers.

(e) Informants.

(f) When the video is clearly offensive to common sensitivities.

(g) Victims of and witnesses to crimes, if the victim or witness has requested not to be identified publicly.

(h) Individuals who called 911, and services subscribers whose lines were used to place a call to the 911 system.

(i) Mandated reporters.

(j) Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness.

(k) Juveniles who are or may be delinquent or engaged in criminal acts.

(l) Individuals who make complaints about violations with respect to the use of real property.

(m) Officers and employees who are the subject of a complaint related to the events captured on video.

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(n) Other individuals whose identities the officer believes may be legally protected from public disclosure.

Category and flag designations may be corrected or amended based on additional information.

707.9 ADMINISTERING ACCESS TO ICC DATA

Data subjects. Under Minnesota law, the following are considered data subjects for purposes of administering access to ICC data:

(a) Any person or entity whose image or voice is documented in the data.

(b) The officer who collected the data.

(c) Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.

ICC data is presumptively private. ICC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

(a) ICC data pertaining to people is presumed private, as is ICC data pertaining to businesses or other entities.

(b) Some ICC data is classified as confidential (see "Confidential Data," below).

(c) Some ICC data is classified as public (see "Public Data," below).

Confidential data. ICC data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the “private” classification listed above and the “public” classifications listed below.

Public data. The following ICC data is public:

(a) Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous.

(b) Data that documents the use of force by a peace officer that results in substantial bodily harm.

(c) Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted [if practicable]. In addition, any data on undercover officers must be redacted.

(d) Data that documents the final disposition of a disciplinary action against a public employee.

However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. § 13.82, subd. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.

Access to ICC data by non-employees. Officers shall refer members of the media or public seeking access to ICC data to the administrative lieutenant or their designee, who shall process

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the request in accordance with the St. Louis Park Police Department's applicable processes and policies and other governing laws. In particular:

(a) An individual shall be allowed to review recorded ICC data about themselves and other data subjects in the recording, but access shall not be granted:

1. If the data was collected or created as part of an active investigation.
2. To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.

(b) Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:

1. Data on other individuals in the recording who do not consent to the release must be redacted.
2. Data that would identify undercover officers must be redacted.
3. Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

Access by peace officers and law enforcement employees. No employee may have access to the department's ICC data except for legitimate law enforcement or data administration purposes:

(a) Officers may access, share, view and download stored ICC video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident. Officers shall not use the fact that a recording was made as a reason to write a less detailed report.

(b) Personal devices shall not be used to capture, record, transfer, store or view any ICC videos, photos or other evidence.

(c) Supervisors may view recordings at any time they are making inquiry into an alleged complaint, performance issue, or policy violation.

(d) Agency personnel are prohibited from accessing ICC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading ICC data recorded or maintained by this agency to public and social media websites. All incidents of access to ICC data are digitally logged. Allegations of inappropriate access to ICC data will be investigated and based on the finding, discipline may result.

(e) Employees seeking access to ICC data for non-business reasons may make a request for it in the same manner as any member of the public.

Other authorized disclosures of data. Officers may display portions of ICC footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. § 13.82, subd. 15, as may be amended from time to time. These displays will generally be limited in order to protect against the incidental disclosure of individuals whose identities are not public. Any displays will take place

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at the St. Louis Park Police Department with the approval of a supervisor. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,

(a) An officer may request a supervisor respond to the scene and request approval for a display to take place outside the St. Louis Park Police Department.

(b) ICC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.

(c) ICC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

707.10 DATA SECURITY SAFEGUARDS

Department members shall not intentionally edit, alter, or erase any BWC recording unless otherwise expressly authorized by the Chief of Police or the Chief's designee.

As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its ICC program.

707.11 AGENCY USE OF DATA, DATA RETENTION, AND COMPLIANCE

Agency Use of Data

(a) To ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required supervisors will review each officer's ICC recordings during each officer's trimester evaluation or more frequently if there is reason to do so.

(b) In addition, supervisors and other assigned personnel may access ICC data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.

(c) When a video is accessed or reviewed via Evidence.com, a notation shall be entered into the "Notes" section of the screen stating the reason for access.

(d) Nothing in this policy limits or prohibits the use of ICC data as evidence of misconduct or as a basis for discipline.

(e) Officers should contact their supervisors to discuss retaining and using ICC footage for training purposes. Officer objections to preserving or using certain footage for training will be considered by the Chief of Police on a case-by-case basis. Field training officers may utilize ICC data with trainees for the purpose of providing coaching and feedback on the trainees' performance.

Data Retention

(a) All ICC data shall be retained for a minimum period of 90 days. There are no exceptions for erroneously recorded or non-evidentiary data.

(b) Data documenting the following incidents must be maintained for a minimum period of one year:

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1. Discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured or dangerous.
2. The use of deadly force by a peace officer, or force of a sufficient type or degree to require a response to resistance report or supervisory review.
3. Circumstances that have given rise to a formal complaint against an officer.

(c) Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.

(d) Subject to retention requests by ICC data subjects (below), all other ICC footage that is classified as non-evidentiary, becomes classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.

(e) Upon written request by an ICC data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 1 year. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.

(f) The department shall maintain an inventory of ICC recordings having evidentiary value.

(g) In the event that a ICC data file is inaccurately categorized by an officer, or additional information is gained that suggests a data file category should be changed, the officer shall notify their immediate supervisor of the required change(s).

Compliance

Supervisors shall monitor for compliance with this policy. Depending on the circumstances, violations of the policy may result in coaching and counseling, oral reprimand, written reprimand, suspension or termination. The unauthorized access to or disclosure of ICC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

Notification will be made to the MN Bureau of Criminal Apprehension within ten days of obtaining new surveillance technology that expands the type or scope of the agency's portable recording system.

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Acoustic Hailing Device

708.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the deployment and use of the Department's Acoustic Hailing Devices (AHD).It shall be the policy of the St. Louis Park Police Department to deploy and use AHD's to maximize the safety of all individuals involved in an incident.

708.2 DEFINITION

Acoustic Hailing Device: A high-intensity directional acoustical array for long-range, crystal-clear hailing, notification, and an unmistakable warning tone. AHD's are primarily used as a communication device.

708.3 PROCEDURE

The Department operates an Ultra Electronics HyperSpike HS-10C. There are several uses to enable officers to perform their duties safely and effectively. The technology allows officers to communicate clearly in loud environments at greater distances under a variety of circumstances, including:

(a) **Mass Notification** - May be used for transmitting information such as incident status updates, dispersal notices, arrest warnings, and directional notifications for large crowds at greater distances.

(b) **Mass Evacuation/Search and Rescue** - May be used to transmit evacuation information and provide updates and/or further direction of travel to leave the area. The AHD's can also assist in creating perimeters or providing instructions during search and rescue or hazmat operations. They may also be used to relay information regarding the location of emergency services or supply points of distribution.

(c) **Hostage Negotiation/Barricaded Suspects** - May be used to increase the safety of officers and the public in hostage and barricaded suspect situations because AHD's may be used to communicate through walls/vehicles/trains and at greater distances.

708.4 DEPLOYMENT

- Use of AHD's should be authorized by the rank of Lieutenant or designee.
- AHD's shall only be used by officers trained in their deployment and used in a manner consistent with department policy and training.
- Hearing protection should be worn for AHD operators and all officers in the immediate proximity of AHD's for prolonged periods of time should wear hearing protection.
- Under no circumstances shall an AHD be left unattended.
- AHD's should not be directed at persons under continuous operation at maximum volume unless they are at least 75 meters (246 feet) away.
- Officers shall document the use of AHD's in a police report.
- A pre-recorded message should be used to make announcements whenever possible. When the use of a pre-recorded message is not applicable or when additional

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information is necessary, the AHD's handheld microphone or remote headset may be used.

708.5 ALERT/WARNING TONE

The HyperSpike devices have the capability of sending an alert/warning tone.The alert/warning tone is a safe deterrent for use against hostile crowds or individuals.

Use of the alert/warning should be authorized by the rank of Lieutenant or designee.

Personnel must ensure the area in front of the hailing device is clear for 75 meters (246 feet) before activating the alert/warning tone when the volume control is at maximum.

When authorized for use in the field, the alert/warning tone shall only be used:

(a) In short durations (2-5 second bursts)

(b) To gain the immediate attention of persons, vessels or other vehicles

(c) As a distraction

(d) As needed during tactical operations; and/or

(e) For other reasons determined by the incident commander

Advance notification should be provided to perimeter officers before activating the alert/warning tone.

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Portable/Remote Alarm Use

709.1 MEMBERS AUTHORIZED TO INSTALL THE PORTABLE/REMOTE ALARM

There will be one member of the department responsible for the alarms and components. This officer shall have the responsibility for training, installing, and record keeping. Only officers who have successfully completed the department approved training may install the alarm. All officers must be familiar with the alarm system so that in the event of an emergency, every officer can turn the alarm on / off.

709.2 RECORDS

A guide book will be maintained for use with the alarm and its components, either in printed form or in an accessible electronic location. This book shall be the responsibility of the alarm installer to make the necessary documentation after each installation. The notebook will include maintenance records, Portable Alarm use log, Portable Alarm summary log, and a list of available components.

709.3 ALARM INSTALLATION

All portable alarm installations must be approved by a supervisor. Officers installing the alarm must communicate to all on duty personnel (via email or memo) the reason for the installation, alarm's location, and recorded message. The officer must also complete the Portable Alarm Use Log, prepare the Portable Alarm Summary Log / Report, obtain keys to the property, and put a notice for discussion in roll call of the installation. The officer will insure that a waiver of liability form is completed by the property owner prior to alarm installation. At the location of installation, the officer shall conduct field tests of all alarm components before activating the alarm. Upon installation completion, the officer must communicate to all personnel that the alarm is operational.

709.4 ALARM REMOVAL

All alarm removals must be reported to a supervisor. All on duty personnel will be notified to disregard any alarm trips during the removal process. The officer removing the alarm must cancel all alarm information and return the key(s) to the property owner.

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Facial Recognition Software

710.1 PURPOSE

Facial recognition (FR) 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 to detect and prevent criminal activity, reduce an imminent threat to health or safety, and help in the identification of persons unable to identify themselves or deceased persons. The St. Louis Park Police Department has established access and use of face recognition software to support the investigative efforts of law enforcement.

It is the purpose of this policy to provide St. Louis Park Police Department personnel with guidelines and principles for the collection, access, use and related information applicable to the implementation of a face recognition program. This policy will ensure that all FR uses are consistent with authorized purposes while not violating the privacy, civil rights, and civil liberties of individuals.

710.2 OBJECTIVES

The St. Louis Park Police Department has adopted the use of facial recognition software to accomplish the following objectives:

- To assist in the identification of an individual or individuals who an officer reasonably believes has/have committed a criminal offense or is/are involved in or planning criminal (including terrorist) conduct or activity that presents a threat to any individual.
- To assist in the identification of potential witnesses and/or victims of violent crime.
- To assist in the identification of a person who lacks capacity or is otherwise unable to identify him- or herself (such as an incapacitated, deceased, or otherwise at-risk person).

710.3 POLICY

The St. Louis Park Police Department has authorized the use of facial recognition software to accomplish the above-mentioned objectives. The facial recognition software may be used directly, through programs/websites providing this service, or indirectly, by sending images and/or video footage to external agencies that have offered or agreed to assist with additional or alternative facial recognition software searches. All uses of facial recognition software and technology must be approved in advance by the Chief of Police or designee.

710.4 USE OF FACIAL RECOGNITION SOFTWARE

Face recognition is not a form of positive identification of a subject. Images returned as a result of a face recognition search may be considered investigative lead information only and are not probable cause to arrest, without further investigation.

The results of a facial recognition software search may be presented in the form of a list of most likely candidate images ranked by computer-evaluated similarity. The officer or investigator must then complete a visual or manual morphological comparison of the candidate images against the

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subject's probe image to make a visual judgment, as well as use standard investigative techniques, to determine whether the subject is the same as a candidate image. The use of facial recognition software, along with any candidate image lists and investigative steps employed to confirm or exclude candidate images, shall be documented in an official police report.

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Police Patrol / SWAT Robot Policy

711.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of patrol and SWAT robots.

711.2 POLICY

The Police Department may deploy a Police Patrol or SWAT robot when an officer believes doing so will increase the safety of the public and/or officer. The robot should only be deployed into a location where an officer has the constitutional right to enter that location. This means a search warrant will generally be a requirement for use of a robot inside a building or structure, unless exigent circumstances are present.

711.3 HANDLING AND STORAGE

The robot should be stored inside the assigned vehicle or headquarters storage location when not in use. The robot batteries should be put in charging mode when not in use.

711.4 ISSUING, CARRYING, AND USING POLICE PATROL / SWAT ROBOTS

A robot described in this policy may be carried in a patrol vehicle and used by an officer who has successfully completed department-approved training in the use of the robot. Some examples of situations where the deployment of a robot would provide increased safety to the public and/or officer may include:

- To communicate with a suspect
- To locate a suspect
- To search a structure

When using a robot, the officer should be mindful that it may cause property damage. If the suspect is believed to be a danger to the public and/or officers, then alternative methods should be used, such as utilizing the SWAT Team or engaging the suspect with available patrol resources.

711.5 EQUIPMENT DEPLOYMENT

When deploying a robot all manufacturer's instructions should be followed. Whenever an officer is operating a robot, the officer should do so behind cover and should have a cover officer.

Only Department-issued video devices shall be used in connection with the robot.

711.6 MEMBER RESPONSIBILTIES

This section establishes the responsibilities of supervisors, equipment users and training/ equipment personnel.

711.6.1 SERGEANTS AND ACTING SERGEANTS

The Sergeant on duty or acting sergeant shall monitor officers' use of patrol/SWAT robots.

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711.6.2 TRAINING AND EQUIPMENT UNIT RESPONSIBILITIES

The assigned responsible Sergeant, usually the Administrative Sergeant or SWAT Sergeant(s), shall control the inventory, training and issuance of all robots to assigned personnel or teams and shall ensure that all damaged, inoperative, outdated or expended robots, robot batteries and related devices are properly disposed of, repaired or replaced, as appropriate.

Every robot will be periodically inspected by the assigned user or team leader. The inspection shall be documented according to established procedures.

711.6.3 OPERATOR RESPONSIBILITIES

All routine maintenance, charging or cleaning shall remain the responsibility of the member using the robot and shall be in accordance with manufacturer recommendations or training.

Any damaged, inoperative, outdated or expended robots or batteries and related accessories, along with documentation explaining any cause of the damage, shall be returned to the assigned, responsible Sergeant for disposition. When appropriate, a report or memo explaining the cause of damage shall be prepared and forwarded through the chain of command.

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Unmanned Aircraft System (UAS)

712.1 PURPOSE

This policy is intended to provide guidance on the use of Unmanned Aircraft Vehicles (UAVs) and the storage, retrieval, and dissemination of images and data captured by UAVs.

712.2 GENERAL STATEMENT OF POLICY

The City of St. Louis Park will utilize UAVs in strict accordance with Federal Aviation Administration (FAA) regulations. Operators of a UAV will be limited to City of St. Louis Park employees who have been selected to the UAV team and have successfully passed the 14 CFR Part 107 test. These operators will be referred to as Remote-Pilots-In-Command. The Remote-Pilot-In-Command will have final authority and responsibility for the operation and safety of a UAV operation.

712.3 DEFINITIONS

Unmanned Aircraft System (UAS) – Means an unmanned aircraft and its associated elements necessary for the safe and efficient operation of the aircraft (FAA definition).

Unmanned Aerial Vehicle (UAV) – Means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. (Minnesota State Statute definition) This is also commonly referred to as Unmanned Aircraft System (UAS).

712.4 OPERATOR RESPONSIBILITIES

Subd. 1 – Only department personnel trained in the proper use of the UAV may operate the aircraft.

Subd. 2 – The UAV shall only be used for official and legitimate business.

Subd. 3 – The use of a UAV potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record 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. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAV operations.

712.5 USE OF THE UAV

Subd. 1 – Authorized Use

A. Operations must comply with all FAA requirements and guidelines while operating a UAV.

B. As defined by Minnesota State Statute 626.19s3, a search warrant shall be obtained before the use of a UAV unless one of the following conditions exist:

(a) During or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;

(b) To document evidence that is at imminent risk of destruction;

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(c) Over a public event where there is a heightened risk to the safety of participants or bystanders;

(d) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;

(e) 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;

(f) To conduct a threat assessment in anticipation of a specific event;

(g) To collect information from a public area if there is reasonable suspicion of criminal activity;

(h) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.

(i) Over a private area with the written consent of the occupant or a public area, for officer training or public relations purposes;

(j) 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 law enforcement agency and specifies the reason for the request and proposed period of use.

(k) To facilitate the active search for a missing person.

Subd. 2 – Limitations of Use

A. Unless authorized by a warrant, no UAV shall be deployed with facial recognition or other biometric-matching technology.

B. A UAV must not be equipped with any weapons.

C. The law enforcement agency must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exemption applies under 712.5s1B(1-11)

Subd. 3 – Prohibited Use – Use of a UAV for any of the following activities is prohibited:

A. Conducting random surveillance activities.

B. Harassing, intimidating, or discriminating against any individual or group.

C. Conducting personal business of any type.

712.6 RETENTION OF UAV DATA

Subd. 1 – Each UAV operator must maintain a flight log in accordance with FAA rules and regulations. Operators will log the date, flight time, and locations of all UAV deployments including training operations. Operators must also document a unique case number for each use, incident type, whether photo images or video were captured during the flight, a factual basis for the use of the UAV, and the applicable exception under SLP Policy 712.5s1B(1-11) unless a warrant was obtained.

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Subd. 2 – Data collected by the UAS shall be disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).

712.7 SUPERVISOR RESPONSIBILITIES

The UAV program will have oversight from two sergeants. The chief of police will appoint these positions. The UAV sergeants and team leaders will be responsible for the management of the UAV program. The responsibilities include:

A. Ensuring policies and procedures conform to current laws and regulations.

B. Establishing a training standard for operators that meets the FAA requirement.

C. Maintaining and updating the Certificate of Waiver (COW) or Certificate of Authorization (COA) with the FAA.

D. Overseeing the procurement and maintenance of UAV equipment.

E. Review of UAV deployments to ensure compliance with policies and operating procedures.

F. Ensuring operators are current with their part 107 certification.

G. Retention and reporting of data.

712.8 REPORTING OF DATA

As required by Minnesota State Statute 626.19s12, by January 15th of each year, each law enforcement agency that maintains or uses a UAV shall report to the commissioner of public safety the information required by the State Statute for the previous year.

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Chapter 8 - Support Services

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Records Section

800.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the St. Louis Park Police Department Records Section. The policy addresses department file access and internal requests for case reports.

800.2 RECORDS MANAGER TRAINING

The Records Supervisor shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under the Minnesota Government Data Practices Act (MGDPA).

800.3 POLICY

It is the policy of the St. Louis Park Police Department to maintain department records securely, professionally, and efficiently.

800.4 RESPONSIBILITIES

800.4.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Administration Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Section.

(b) Scheduling and maintaining Records Section time records.

(c) Supervising, training, and evaluating Records Section staff.

(d) Maintaining current Records Section procedures.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides
2. Cases involving department members or public officials
3. Any case where restricted access is prudent

800.4.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.

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1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:

1. Officer suicides
2. Officer misconduct
3. Uses of force
4. Officer deaths or assaults
5. Crime incidents
6. Deaths in custody

(h) Transmitting data annually to the superintendent of the Bureau of Criminal Apprehension on the number of mobile tracking device search warrants obtained by the Department as provided in Minn. Stat. § 626A.35.

(i) Transmitting carjacking information annually to the Commissioner of Public Safety as provided in Minn. Stat. § 626.5535.

800.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and established Records Section procedures.

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Records Maintenance and Release

801.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential Data on Individuals - Data classified as confidential by state or federal law and that identifies individuals and cannot be disclosed to the public or even to the individual who is the subject of the data (Minn. Stat. § 13.02, Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities (Minn. Stat. § 13.85, Subd. 1).

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 department regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02, Subd. 7).

Private Data - Data classified as private by state or federal law and that identifies individuals that are only available to the individual who is the subject of the data or with the individual's consent (Minn. Stat. § 13.02, Subd. 12).

801.2 POLICY

The St. Louis Park Police Department is committed to providing public access to records and data in a manner that is consistent with the Minnesota Government Data Practices Act (MGDPA) and Official Records Act (Minn. Stat. § 13.03; Minn. Stat. § 15.17).

801.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department data (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7).

(b) Maintaining and updating the department records retention schedule, including:

1. Identifying the minimum length of time the Department must keep data.

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2. Identifying the department division responsible for the original data.

(c) Establishing rules regarding the inspection and copying of department data as reasonably necessary for the protection of such data.

(d) Identifying data or portions of data that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of data.

(f) Ensuring a current schedule of fees for public data as allowed by law is available.

(g) Ensuring the posting or availability to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Department, and any associated fees (Minn. Stat. § 13.025).

(h) Ensuring data created by the Department is inventoried and subject to inspection and release pursuant to lawful requests consistent with the MGDPA requirements (Minn. Stat. § 13.03, Subd. 1).

(i) Ensuring the collection, maintenance, and analysis of demographic data related to detentions (stops, frisks, searches, summonses, and arrests), and making this data publicly available in accordance with the Protected Information Policy, provided the information does not compromise an ongoing investigation.

(j) Ensuring that the current version of each department policy identified in Minn. R. 6700.1615 is posted on the department's website or otherwise posted in the public area of the Department in accordance with Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

801.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for data shall route the request to the Custodian of Records or the authorized designee.

801.4.1 REQUESTS FOR RECORDS

. The processing of requests for data is subject to the following:

(a) A person shall be permitted to inspect and copy public government data upon request at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03, Subd. 3).

(a) The Department may not charge or require the requesting person to pay a fee to inspect data. 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, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03, Subd. 3(b)).

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(b) Government data maintained by this department using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Department is not required to provide the data in an electronic format or program that is different from the format or program in which the data is maintained (Minn. Stat. § 13.03, Subd. 3 (e)).

(c) The Department is not required to create records that do not exist.

(d) The Custodian of Records or designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release or denied. The Custodian of Records or designee 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 Custodian of Records or designee shall cite the specific statutory section, temporary classification or specific provision of state or federal law on which the determination is based. Upon the request of any person denied access to data, the denial shall be certified in writing (Minn. Stat. § 13.03, Subd. 3 (f)).

(e) When a record contains data with release restrictions and data that is not subject to release restrictions, the restricted data shall be redacted and the unrestricted data released.

    (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/ video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) When a record contains data which documents the following, the portions specified by Minn. Stat. § 13.82 are public government data as provided:

    (a) Citations, arrests, incarcerations, or other actions that substantially deprive a person of their liberty (Minn. Stat. § 13.82, Subd. 2)

    (b) Requests by the public for law enforcement services (Minn. Stat. § 13.82, Subd. 3)

801.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Private data on the following individuals (Minn. Stat. § 13.82, Subd. 17):

    1. An undercover law enforcement officer

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2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a violation of Minn. Stat. § 617.246, Subd. 2
3. A paid or unpaid informant if the Department reasonably believes revealing the identity would threaten the personal safety of the informant
4. A victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the Department reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual
5. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller
6. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness
7. A mandated reporter
8. A judicial official as described in Minn. Stat. § 480.40 (Minn. Stat. § 13.991)

(c) Audio recordings of calls placed to the 9-1-1 system requesting law enforcement, fire, or medical agency response, except that a written transcript of the call is public unless it reveals the identity of protected individuals (Minn. Stat. § 13.82, Subd. 4).

(d) Criminal investigative data involving active cases and inactive investigative data (Minn. Stat. § 13.82, Subd. 7):

1. If the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted.
2. Images and recordings, including photographs, video, and audio records that are clearly offensive to common sensibilities. However, the existence of any such image or recording shall be disclosed.
3. As otherwise restricted by law.

(e) Juvenile records and data (Minn. Stat. § 260B.171).

(f) State criminal history data held in the Bureau of Criminal Apprehension (BCA) database, including but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, and custody and supervision data (Minn. Stat. § 13.87).

(g) Traffic collision reports and related supplemental information (Minn. Stat. § 169.09, Subd. 13).

(h) Corrections and detention data (Minn. Stat. § 13.85).

(i) Personnel data except, unless otherwise restricted (Minn. Stat. § 13.43, Subd. 2):

1. Name, employee identification number, and some aspects of compensation

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2. Job title, bargaining unit, job description, education and training background, and previous work experience
3. Date of first and last employment
4. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action
5. 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 department
6. Terms of any agreement settling any dispute arising out of an employment relationship
7. Work location, work telephone number, badge number, and honors and awards received
8. 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 nonpublic data
9. All other personnel data regarding employees of this department are private data and may only be released as authorized by that classification

(j) Any data that was created under the direction or authority of the City Attorney exclusively in anticipation of potential litigation involving this department shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. § 13.39).

(k) All data collected by an Automated License Plate Reader (ALPR) on individuals or nonpublic data absent an exception (Minn. Stat. § 13.82; Minn. Stat. § 13.824).

(l) Response or incident data, so long as the Custodian of Records determines that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection, or destroy evidence (Minn. Stat. § 13.82, Subd. 14).

(m) Any data on individuals receiving peer counseling or critical incident stress management services (Minn. Stat. § 13.02, Subd. 12; Minn. Stat. § 181.9731; Minn. Stat. § 181.9732).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

801.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for data should promptly contact a supervisor and the Custodian of Records 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.

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Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

801.7 RELEASED RECORDS TO BE MARKED

Any record released pursuant to this policy should be marked to indicate the department name and to whom the record was released.

Each audio/video recording released shall include the department name and to whom the record was released.

801.8 EXPUNGEMENT

A petition for expungement and expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records.

801.8.1 PETITION FOR EXPUNGEMENT

When responding to a petition for expungement, the Custodian of Records shall inform the court and the individual seeking expungement that the response contains private or confidential data (Minn. Stat. § 609A.03, Subd. 3).

801.8.2 ORDERS OF EXPUNGEMENT

The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

Upon request by the individual whose records are to be expunged, the Custodian of Records must send a letter at an address provided by the individual confirming the receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, Subd. 8).

Expunged records may be opened only by court order (Minn. Stat. § 609A.03, Subd. 7).

Expunged records of conviction may be opened for purposes of evaluating a prospective employee of the Department without a court order.

The Custodian of Records shall inform any law enforcement, prosecution or corrections authority, upon request, of the existence of a sealed record and of the right to obtain access to it.

801.8.3 BCA NOTIFICATION OF GRANT OF EXPUNGEMENT

If the Department receives notice from the BCA that its records may be affected by an automatic grant of expungement, the Custodian of Records shall determine if any records requested thereafter were expunged and, if so, treat the records as private data except as provided by law (Minn. Stat. § 609A.015, Subd. 5).

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801.9 MAINTENANCE OF CLOSED RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure. Closed records shall be kept separate from public records and shall remain confidential.

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Protected Information

802.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the St. Louis Park Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the government data information covered in the Records Maintenance and Release Policy.

802.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the St. Louis Park Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

802.2 POLICY

Members of the St. Louis Park Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

802.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA), and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the St. Louis Park Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

(g) Ensuring a comprehensive security assessment of any personal information maintained by the St. Louis Park Police Department is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).

(h) Ensuring CIBRS is notified within 10 days that an investigation in CIBRS has become inactive (Minn. Stat. § 299C.40).

802.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, St. Louis Park Police Department policy, or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

802.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

802.5.1 REVIEW OF CHRI

Members of this department shall refer individuals seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87, Subd. 1(b)).

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802.5.2 REVIEW OF COMPREHENSIVE INCIDENT-BASED REPORTING SYSTEM DATA
An individual who is the subject of private data held by CIBRS may request access to the data by making a request to the Records Supervisor. If the request is to release the data to a third party, the individual who is the subject of private data must appear in person at the Department to give informed consent to the access or release, or establish another verifiable means of establishing consent (video call, web conference, etc.).

Private data provided to the individual must also include the name of the law enforcement agency that submitted the data to CIBRS and the name, telephone number and address of the agency responsible for the data.

A person who is the subject of private data may challenge the data. The Records Supervisor shall review the challenge and determine whether the data should be completed, corrected or destroyed. The corrected data must be submitted to CIBRS and any future dissemination must be of the corrected data.

The Records Supervisor must notify BCA as soon as reasonably practicable whenever data held by CIBRS is challenged. The notification must identify the data that was challenged and the subject of the data.

802.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

802.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

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802.7 SECURITY BREACHES

In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the Chief of Police or designee shall ensure an investigation into the breach is made. Upon completion of the investigation and final disposition of any disciplinary action, a report containing the facts and result of the investigation shall be prepared. If the breach was conducted by an employee, contractor or agent of St. Louis Park, the report must include a description of the type of data that was breached, the number of individuals whose information was breached, the disposition of any related disciplinary action, and the identity of the employee determined to be responsible for the breach (Minn. Stat. § 13.055).

Written notice shall be given to any individual whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person as soon as reasonably practicable. The notice shall include the following (Minn. Stat. § 13.055):

(a) Notification that an investigation will be conducted.

(b) Notification that a report containing the facts and results will be prepared.

(c) Information on how the person may obtain access to the report, including that he/she may request delivery of the report by mail or email.

The notice may be delayed only so long as necessary to determine the scope of the breach and restore the reasonable security of the data or so long as it will impede an active criminal investigation. Notice shall be made by first class mail, electronic notice or substitute notice as provided in Minn. Stat. § 13.055, Subd. 4. If notification is required to be made to more than 1,000 individuals, notice to all consumer reporting agencies of the timing distribution and content of the notices must also be made (Minn. Stat. § 13.055, Subd. 5).

802.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Mental Health Crisis Data (MHCD)

803.1 INTRODUCTION AND POLICY

The Minnesota Data Practices Act and the Health Records Act was amended in 2022 to provide law enforcement with clearer access to mental health information about persons in active crisis.

803.1.1 PURPOSE

Minnesota law requires certain entities and mental health providers to supply information to law enforcement, upon proper request, to aid in safely addressing a pending mental health crisis. This policy establishes procedures for requesting, documenting, using, retaining, and safeguarding the privacy of such information. This agency will proactively communicate, whenever possible, with entities and providers in St. Louis Park, to provide education about the legal requirements for sharing MHCD and plan for obtaining needed information when the need arises.

803.1.2 POLICY

It is the policy of this department to encourage officers to seek and utilize information from mental health professionals, practitioners, and other care providers to aid in the safe resolution of individual crisis situations. Officers may initiate requests for this information when practicable and deemed advisable. Information obtained in response to such requests shall be documented, utilized, and retained in accordance with applicable laws and this policy.

803.1.3 DEFINITIONS

The following phrases and words have special meanings as used in this policy:

A. Mental Health Crisis Data (MHCD) means data on individual clients or patients that is sought and received from community mental health centers, mental health divisions of counties and providers under contract with them, or private sector mental health providers for the purpose of safely responding to a mental health crisis.

B. Person in Crisis (PIC) refers to an individual who is experiencing or is suspected or reported to be experiencing a mental health crisis.

C. Requestee refers to an entity or individual asked to supply MHCD to a law enforcement agency.

D. Requestor refers to an officer or employee of this agency who makes a request for MHCD.

803.2 WHEN MHCD MAY BE SOUGHT

Provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.46, subd. 7) and the Minnesota Health Records Act (Minn. Stat. § 144.294, subd. 2) require mental health providers and certain entities to supply information to law enforcement when a client or patient is currently involved in a mental health crisis, and disclosure of the information is necessary to protect the health and safety of that person or another. These laws use the definition of "mental health crisis" found in Minnesota Statutes, § 256B.0624, subdivision 2(j):

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"Mental health crisis" is a behavioral, emotional, or psychiatric situation that, without the provision of crisis response services, would likely result in significantly reducing the recipient's levels of functioning in primary activities of daily living, in an emergency situation under section 62Q.55, or in the placement of the recipient in a more restrictive setting, including but not limited to inpatient hospitalization.

A situation will qualify as a mental health crisis under this definition, thus enabling the agency to seek mental health data, if:

A. The subject appears to be experiencing a behavioral, emotional, or psychiatric episode, and

B. It would likely result in one of the following outcomes, without the assistance/ involvement of a mobile crisis provider:

    1. The person being unable to take care of basic functions like bathing, eating, dressing, and toileting; or

    2. The person needing to be transported to a hospital for an emergency medical condition; or

    3. The person being taken into custody for a transport hold; and

C. The information being sought is necessary to protect the health or safety of the PIC or another.

    1. Officers should use their professional judgment and experience in assessing situations, or in determining that certain call types, such as threatened suicide, require a request for disclosure of MHCD.

    2. The fact that a mobile crisis provider may be en route to the scene does not necessarily eliminate the fact that a mental health crisis/emergency exists.

803.3 REQUESTING AND OBTAINING MHCD

Officers should adhere to the following procedures in requesting MHCD:

A. Officers responding to a mental health crisis may request information themselves or have another officer, a dispatcher, or appropriate staff member contact requestees with information requests.

    1. Other appropriate staff members initiating contact with requestees may include, but are not limited to, the department's embedded Hennepin County social worker and mental health professionals having a contractual relationship with the police department.

B. Entities and individuals that are obligated to respond to requests for information include community mental health centers, mental health divisions of a county, and mental health providers including psychiatrists, psychologists, therapists, mental health professionals, mental health practitioners, and case managers.

C. The purpose of making a request is to obtain information from a mental health provider, familiar with the PIC, about strategies for safely responding to and resolving the pending crisis. To that end, the requestee is obligated to provide a name and phone

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number for the PIC's psychiatrist, psychologist, therapist, mental health professional, practitioner, or case manager, if known; and strategies to address the mental health crisis.

D. Under the law, the requestee is to provide law enforcement with the minimum information necessary to safely respond to the mental health crisis. It may be necessary and appropriate for the requestor to share information with the requestee about the dynamics and circumstances of the crisis in order to demonstrate law enforcement's need for information. Requestors should not ask for information about the PIC's diagnosis.

E. Once obtained, MHCD may be shared with other officers and members of this agency as is reasonably necessary to safely address the crisis. The information may not be used for any other purpose.

803.4 DATA PRACTICES

Summarizing the MHCD obtained from the provider is recommended, once received, since it may prove useful during repeat crisis situations involving the same individual—especially if they occur during non-business hours when the person's provider cannot be reached. Under legal requirements, mental health providers are to supply agencies with "strategies" for safely responding to the crisis, not with a diagnosis of the subject's condition. Nevertheless, it is foreseeable that a provider might mention diagnoses or other highly sensitive information when trying to generate or explain "strategies" under the pressure of a pending crisis.

The following shall apply to MHCD obtained by this agency:

A. **What to document.** The requestor shall document their own identity, the name of the PIC, and the identity of the person (or entity, if the name of the person is not available) that supplied data in response to the request for MHCD. In addition:

1. Information obtained about strategies for resolving crisis situations with the PIC, including any circumstances that call for particular approaches, should be documented.

2. Any information that the requestee provided about the PIC's diagnosis should not be specifically documented.

3. The officer assigned as primary on the call shall ensure that the PIC is informed that mental health data was obtained, and that this notification to the PIC is documented.

B. **How to label and store the information.** Incident reports that contain MHCD shall be labeled or flagged as such. This data may only be stored on and accessed through city owned devices.

1. The offense code "9-MHCD" will be added to these reports in the records system and a report generated for checks in accordance with the retention period in Part F, below.

C. **Private data.** MHCD is and shall be administered as private data on the person in crisis.

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D. **Accessing stored MHCD.** Officers and other agency personnel may access MHCD data only when their job assignment reasonably requires access to it. For a peace officer, a business need exists if it is foreseeable that the officer may be tasked in the future to respond to a mental health crisis involving the person who is the subject of the MHCD.

E. **Use of MHCD.** Mental Health Crisis Data may only be used for purposes of responding to mental health crisis situations involving the individual PIC. The data may not be used for any other purpose, such as furthering a criminal investigation or in connection with a charging decision.

F. **Retention of MHCD.** Mental Health Crisis Data shall be maintained for a period of 90 days following the latest mental health crisis known to the agency involving the subject of the MHCD, after which it shall be disposed of in such a way as to prevent its contents from being determined.

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Animal Control - CSO-Cadets

804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

804.2 POLICY

It is the policy of the St. Louis Park Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

804.3 COMMUNITY SERVICE OFFICER RESPONSIBILITIES

Animal control services are generally the primary responsibility of Community Service Officer(or Patrol Officers in their absence) and include the following:

(a) Animal-related matters during periods when Community Service Officer is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Community Service Officer is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

804.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members should use extreme caution before attempting to capture and pick up any animal, and should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

    (a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

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(b) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

(c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

804.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to (Minn. Stat. § 343.21 et seq.):

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty (Minn. Stat. § 343.29).

(a) An officer 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.

(b) An animal taken into care during an animal cruelty investigation 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.

804.6 ANIMAL BITE REPORTS AND DANGEROUS/POTENTIALLY DANGEROUS DOGS

Members investigating an animal bite should obtain as much information as possible for follow-up with dangerous/potentially dangerous dog procedures. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal. The following evaluation will be made in the case of a dangerous or potentially dangerous dog.

An animal control officer will determine that a dog is **dangerous** if the officer believes, based upon the officer's professional judgment, that the dog has:

- Without provocation, inflicted substantial bodily harm on a human being on public or private property.
- Killed a domestic animal without provocation while off the owner's property.
- Been determined to be a potentially dangerous dog, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

An animal control officer will determine that a dog is **potentially dangerous** if the officer believes, based upon the officer's professional judgment, that a dog has:

- When unprovoked, inflicted bites on a human or domestic animal on public or private property.
- When unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack.

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- A known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

See also St. Louis Park City Code, Chapter 4, Art. III.

804.6.1 ANIMAL BITES TO HUMANS
Members should coordinate with appropriate personnel as necessary to ensure that animals who have bitten a human are quarantined for rabies observation as required by Minn. R. 1721.0580. Follow procedures for dangerous dog.

804.7 STRAY DOGS
If the dog has a license or can otherwise be identified, the owner should be contacted (Minn. Stat. § 343.29), if possible. 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 appropriate shelter/holding area.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

804.8 DANGEROUS ANIMALS
In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Duty Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

804.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality of life issues.

804.10 DECEASED ANIMALS
When a member becomes aware of a deceased animal all reasonably attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

(a) Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

(b) Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

804.11 INJURED ANIMALS
When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler.

If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

804.12 DESTRUCTION OF ANIMALS
When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured

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animal should only be euthanized with the approval of a supervisor. A report shall be written any time an animal is euthanized or destroyed to prevent an imminent threat to human safety.

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CJIS Access, Maintenance, and Security

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access, process, store, or transmit Criminal Justice Information.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

805.2 POLICY

It is the policy of the St. Louis Park Police Department to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

805.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the St. Louis Park Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

805.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Minnesota Bureau of Criminal Apprehension (BCA).

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts, validating new passwords against known compromised or commonly used passwords).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:

1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Configuring remote access systems and devices only with the explicit authorization of the Chief of Police or the authorized designee, including:

1. Routing through authorized and managed access control points (e.g., firewalls, secure gateways).
2. Mandatory multi-factor authentication for users.
3. Use of automated mechanisms to monitor and control remote access methods.
4. Mandatory encryption (e.g., VPN, Transport Layer Security).
5. Required logging of all remote access activity.

(e) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(f) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of department facilities
2. Physical security of hardware within department facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(g) Implementing and carrying out the department Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).

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4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(h) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(i) Developing and updating department information security and privacy literacy training and incident response training as required by policy.

(j) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

(k) Managing the development, documentation, and dissemination of applicable policies and procedures for the following:

1. Access control
2. Awareness and training
3. Auditing and accountability
4. Assessment, authorization, and monitoring
5. Configuration management
6. Contingency planning
7. Identification and authentication
8. Incident response
9. Maintenance
10. Media protection
11. Physical and environmental protection
12. Planning
13. Personnel security
14. Risk assessment
15. System and services acquisition
16. Systems and communications protection
17. System and information integrity
18. Supply chain risk management

(l) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

805.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

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Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

805.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

805.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

805.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

805.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

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805.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

805.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

805.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

805.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

805.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

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Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

805.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the St. Louis Park Police Department for processing or testing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults who are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the St. Louis Park Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The St. Louis Park Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than 4 hrs., including weekends and holidays. (Minn. R. 2945.0100; Minn. R. 2945.0120).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the St. Louis Park Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

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(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

If possible, at least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody may be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present. This does not include delivery of meals or preparation for transport, and when video monitoring is underway.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

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(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Duty Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Duty Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Duty Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Duty Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141) or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.

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5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual without delay he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual this notification has been made and inform him/her without delay he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

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900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the St. Louis Park Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the St. Louis Park Police Department.

The Duty Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Duty Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

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(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the St. Louis Park Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. 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 may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Duty Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

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900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

See also the Jail Headcoverings Procedure.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, and upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times except during routine cleaning when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 FINGERPRINTING

Once the person has been taken into temporary custody the arresting officer should ensure the following are taken:

(a) Finger and thumb prints

(b) Photographs

(c) Distinctive physical mark identification data

(d) Information on any known aliases or street names

(e) Any other identification data requested or required by the Bureau of Criminal Apprehension

The Duty Sergeant should ensure fingerprints and other identifying information is entered into the searchable database managed by the Bureau of Criminal Apprehension (Minn. Stat. § 299C.10, Subd. 1).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

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The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the St. Louis Park Police Department unless the person presents a heightened risk and then only in compliance with the Handcuffing and Restraints Policy.

Individuals in temporary custody should only be secured to a fixed object if the object is designed and intended for such use.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy unless the individual requests a different disposition. For example an individual may request property (i.e., cash, car or house keys, medications) be released to another person. The person property is released to shall be identified and their information properly documented.

Upon release of an individual from temporary custody his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person’s signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Duty Sergeant shall be notified whenever an individual alleges there is a shortage or discrepancy regarding his/her property. The Duty Sergeant shall attempt to prove or disprove the claim.

All intangible personal property that is unclaimed for more than three years is presumed abandoned (Minn. Stat. § 345.38).

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented. The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

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(d) The individual’s initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 30 minutes.

(a) Safety checks should be at varying times.

(b) All safety checks shall be logged.

(c) The safety check may involve questioning the individual as to his/her well-being.

(d) Individuals who are sleeping or apparently sleeping may be awakened.

(e) Requests or concerns of the individual should be logged and reported to the Duty Sergeant.

900.9 VISITATION

Visitation at the St. Louis Park holding facility shall be based upon the following conditions:

A. All individuals entering the jail facility are subject to a warrant check and search for contraband, drugs, narcotics, alcoholic beverages, firearms, explosives, or any other devices or objects capable of being used as a weapon. This search includes a pat search, if so requested, by the duty sergeant.

B. Visits shall be allowed for identified adult members of the prisoner's immediate family, prisoner's attorney, and prisoner's clergy. Adult members of the prisoner's immediate family are defined as wife, husband, adult children, mother, father, sister, and / or brother.

C. All visitors shall register, giving names, proper identification verifying the visitor's legal identity, addresses, relationship to prisoner, and nature of the business. This information will be recorded on a visitor log entry.

D. Visitors shall be placed in the multipurpose room for visitation.

E. Policies for parents, guardians, and attorneys visiting juvenile prisoners shall be as nonrestrictive as is administratively possible. The initial visit for these persons shall be permitted at any time.

F. Visitation shall be monitored by the duty sergeant or his / her designee. Visits shall be limited to twenty minutes, and visitors should be instructed to remain in the multipurpose room until they are escorted from the holding area. A maximum of two visitors total (and one per prisoner) at any one time will be permitted.

G. Coats, briefcases, and purses shall not be allowed in the holding facility. Visitors will not directly give any item to a prisoner. Visitors must be willing to submit to a pat search, if requested by the duty sergeant. The duty sergeant may deny visitation for security reasons. Such denials must be documented by the duty sergeant in the facility daily log.

H. Conditions when visitor admittance will be denied:

1. The visitor refuses to submit to a search or warrant check.

2. The visitor refuses to submit to, and / or violates, any of the posted visitor rules and regulations.

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3. The staff duty officer reasonably believes that the visit might endanger the security of the facility.
4. The individual does not qualify under the posted categories of authorized visitors.
5. A staff duty officer is not available to facilitate the visit.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms, and logs have been completed prior to release.

(b) A check has been made to ensure the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed the correct individual is being released or transported.

(d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the St. Louis Park Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.

(h) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

(i) Transfers that exceed 100 miles shall be accomplished with a custodial escort of the same sex as the individual being transferred unless video and audio recording equipment is installed in the vehicle that is capable of recording the transferee for the entire duration of the transfer (Minn. Stat. § 631.412).

1. Recordings of such transfer shall be maintained by the Department for at least 12 months after the date of the transfer.

900.11 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Lieutenant will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the St. Louis Park Police Department. The procedures should include (Minn. Stat. § 390.11, Subd. 1(6)):

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Duty Sergeant, Chief of Police, and Investigation Division Commander.

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(c) Notification of the spouse, next of kin, or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the Medical Examiner.

(f) Evidence preservation.

900.12 ASSIGNED ADMINISTRATOR

The Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escape prevention control measures

(f) Escape response

(g) Evacuation plans

(h) Fire- and life-safety

(i) Disaster plans

(j) Building and safety code compliance

900.13 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Temporary Custody of Juveniles

901.1 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 St. Louis Park Police Department (34 USC § 11133; 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; Minn. Stat. § 260C.176, Subd. 3).

901.1.1 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. 10).

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This includes those held as runaways (Minn. Stat. § 260C.175), truancy violators (Minn. Stat. § 260C.143), and juveniles 15 years old or younger in custody related to their engaging in prostitution or related activities (Minn. Stat. § 260B.007 Subd. 6(c)). 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 his/her 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 an officer 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 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. Secure custody also includes being physically secured to a stationary object.

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 handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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).

901.2 POLICY

The St. Louis Park Police Department 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 St. Louis Park Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the St. Louis Park Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Officers 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 St. Louis Park Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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If the officer 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.

901.3.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer 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 him/herself, or any unusual behavior that may indicate the juvenile may harm him/herself while in custody.

901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the St. Louis Park Police Department 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 St. Louis Park Police Department without authorization of the arresting officer's supervisor or the Duty Sergeant.

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 four hours from the time of his/her entry into the St. Louis Park Police Department (34 USC § 11133). The full identifying information of the person receiving custody of the juvenile will be documented in the officer's reports.

901.4.1 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 St. Louis Park Police Department. 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 (34 USC § 11133).

Juveniles detained for truancy violations may be (Minn. Stat. § 260C.143):

(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.

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However officers 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 (34 USC § 11133).

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901.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the St. Louis Park Police Department 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 when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision.

An officer 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 officer'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 themself 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 the juvenile's health or welfare.

If a juvenile offender is not released to a parent, guardian, custodian, or other suitable person, the officer taking the juvenile offender into custody shall communicate with or deliver the juvenile to a secure detention facility to determine whether the juvenile should be released or detained. The officer shall also notify the court as soon as possible of the detention of the juvenile and the reasons for detention (Minn. Stat. § 260B.176).

901.4.4 SCHOOL NOTIFICATION

Minnesota law requires that the Chief of Police 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, where the victim is a student or staff member and the notice is reasonably necessary for the protection of the victim.

(b) There is probable cause to believe a juvenile has committed certain serious crimes regardless of whether the victim is a student or staff member.

(c) The juvenile is taken into protective custody and methamphetamine manufacture or storage is involved (see the Child Abuse Policy for guidelines) (see also, Minn. Stat. § 260C.171)

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However, the department is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.

901.5 ADVISEMENTS

When a juvenile is taken into custody on a warrant, the juvenile and his/her 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 officer 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 cannot afford counsel it will be appointed at public expense.

901.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department the custody shall be promptly and properly documented in the custody log and related forms/reports, including:

(a) Identifying information about the juvenile being held.

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(b) Date and time of arrival and release from the St. Louis Park Police Department.

(c) Duty Sergeant 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 Duty Sergeant shall approve the custody, including any secure custody and shall also note when the juvenile is released.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). 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 St. Louis Park Police Department 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.

901.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the St. Louis Park Police Department shall ensure the following:

(a) The Duty Sergeant should be notified if it is anticipated that a juvenile may need to remain at the St. Louis Park Police Department more than three hours. This will enable the Duty Sergeant to ensure no juvenile is held at the St. Louis Park Police Department more than four 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 his/her care that the juvenile will be monitored at all times unless he/she is 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.

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(f) Juveniles shall have reasonable access to a drinking fountain or water.

(g) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(h) Juveniles should have privacy during family, guardian, and/or lawyer visits.

(i) 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.

(j) Blankets should be provided as reasonably necessary.

(k) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(l) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(m) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(n) No discipline may be administered to any juvenile nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

901.9 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 St. Louis Park Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Restraints shall only be used after less restrictive measures have failed and with the approval of the Duty Sergeant. 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.

901.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the St. Louis Park Police Department 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 secure enclosure. The property should be inventoried in the juvenile’s presence and sealed into the enclosure. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the St. Louis Park Police Department.

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901.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Minn. Stat. § 260B.181). Duty Sergeant 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 him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is or later becomes a reasonable option.

901.11.1 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 department 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 shall occur regularly..

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her 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.

901.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Duty Sergeant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the St. Louis Park Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police 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) Evidence preservation.

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901.13 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.

901.14 RESTRICTION ON PHOTOGRAPHING

Photographing of juveniles taken into custody will only occur with the consent of the juvenile court, except when the photograph is taken related to a violation of driving while impaired or is taken pursuant to the laws of arrest (Minn. Stat. § 260B.171, Subd. 5; Minn. Stat. § 260B.175; Minn. Stat. § 169A.20).

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Custodial Searches

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 St. Louis Park Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of 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.

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.

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 to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the St. Louis Park Police Department facilities. 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.

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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 department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Section 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 department member. The inventory should include the case number, date, time, member's St. Louis Park Police Department identification number and information regarding how and when the property may be released, such as with the use of a Safekeeping Property form.

902.3.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.4 STRIP SEARCHES

No individual in temporary custody at any St. Louis Park Police Department 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 department members, escape attempts).

(d) The individual's actions or demeanor.

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(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 St. Louis Park Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Duty Sergeant 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.

(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 Duty Sergeant.
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 their 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 the individual 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

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ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

902.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Duty Sergeant 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 Duty Sergeant authorization does not need to be in writing.

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 Duty Sergeant 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 department 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 Duty Sergeant'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 department members present.

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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 TRAINING

The Chief of Police or designee 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 in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.7 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

902.8 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility. The juvenile room in the police department detention area is available for this purpose and an officer should directly monitor the subject, safely applying approved restraint devices when necessary.

(b) Providing officers with information identifying appropriate medical (Hennepin County Medical Center) and juvenile detention (Hennepin County Juvenile Detention) facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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Prison Rape Elimination

903.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the St. Louis Park Police Department Temporary Holding Facilities (28 CFR 115.111).

903.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

903.2 POLICY

The St. Louis Park Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The St. Louis Park Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

903.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the St. Louis Park Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of St. Louis Park Police Department prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

903.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

903.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Duty Sergeant any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

903.4.2 DUTY SERGEANT RESPONSIBILITIES

The Duty Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Duty Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Duty Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Duty Sergeant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

903.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

903.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

903.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the St. Louis Park Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the Prosecuting Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

903.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

903.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

903.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

903.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Duty Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Duty Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

903.7 REVIEWS AND AUDITS

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903.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

903.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the department’s progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from St. Louis Park Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

903.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

903.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.

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- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Transporting Persons in Custody

904.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the St. Louis Park Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

904.2 POLICY

It is the policy of the St. Louis Park Police Department to provide safe, secure, and humane transportation for all persons in custody.

904.3 PATROL DIVISION COMMANDER RESPONSIBILITIES

The Patrol Division Commander should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

904.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

(a) Search all areas of the vehicle accessible to a person in custody before and after each transport.

(b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.

1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.

(c) Provide Dispatch with any required notifications (e.g., start time, mileage, end time).

(d) Properly secure all property.

(e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Video Recorders and Body-Worn Cameras policies for additional guidance).

(f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

(g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

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(h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:

1. Individuals in auxiliary restraints.
2. Individuals in leg restraints.
3. Individuals wearing a spit hood.
4. Individuals who are a suspected suicide risk.

(i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.

(j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):

1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

904.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

(a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.

1. Juveniles and adults shall not be transported together.
2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
3. Persons of different genders should not be transported together.

(b) If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

904.6 TRANSPORT VANS

An officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer should assist persons getting into and out of the transport van to avoid falls.

904.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

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904.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

An officer 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 Duty Sergeant.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

904.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

904.10 CIVIL COMMITMENT TRANSPORTS

When transporting any individual for a civil commitment, the transporting officer should request that Dispatch 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.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, Duty Sergeant approval is required before transport commences.

See the Civil Commitments Policy for additional guidance.

904.10.1 TYPE OF TRANSPORTATION

When transporting any individual on a Minn. Stat. § 253B.051 admission, and if reasonably practicable, officers should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.051, Subd. 1(e)).

904.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Dispatch and request an appropriate response.

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904.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

904.13 PROHIBITIONS

When transporting a person in custody, officers should not:

(a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).

(b) Handcuff a person to any part of a vehicle.

(c) Leave the vehicle unattended with the person in custody in the vehicle.

(d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.

(e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

(f) Stop to conduct any personal activities.

(g) Engage in a pursuit.

904.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise Dispatch and other units of the escape, provide a description of the escapee, notify the Duty Sergeant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Duty Sergeant should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the St. Louis Park Police Department, the Duty Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

904.15 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

904.16 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical

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risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

904.17 TRAINING

The Training Sergeant should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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Chapter 10 - Personnel

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Recruitment and Selection

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 St. Louis Park Police Department and that are promulgated and maintained by the Human Resources Division.

1000.2 POLICY

The Chief of Police or designee should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. The Department recognizes the city's strategic objective of advancing racial equity and strives to eliminate bias in all areas of recruitment and selection while also seeking opportunities to hire staff reflective of the regional demographics.

In accordance with applicable federal, state, and local law, the St. Louis Park Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department 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 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall 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) Personal and professional reference checks

(d) Citizenship eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents (Minn. R. 6700.0700, Subp. 1). This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

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1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(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) Polygraph or voice stress analyzer examination (when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Relevant national and state decertification records, if available, including the National Decertification Index

1000.3.1 VETERANS PREFERENCE

Veterans preference will be incorporated into employee selection in accordance with Minnesota Statute 197.455.

1000.4 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the St. Louis Park Police Department.

The background investigation must determine whether the candidate meets the standards established by the Minnesota Board of Peace Officer Standards and Training (POST) as well as the security standards established to access state and national computerized record and communication systems (Minn. Stat. § 626.87; Minn. R. 6700.0670; Minn. R. 6700.0700).

A background investigation is valid for six months after completion. If the candidate is not hired during the six months, the background investigation must be updated before a final offer of employment to the candidate is made (Minn. R. 6700.0670, Subp. 2).

1000.4.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and Minnesota law (15 USC § 1681d; Minn. Stat. § 13C.02).

1000.4.2 STATE NOTICES

Upon initiation of a candidate's background investigation, the Chief of Police or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days thereafter 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; Minn. R. 6700.0670, Subp. 3).

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If the background investigation identifies a disqualification under the minimum selection standards in Minn. R. 6700.0700, the Chief of Police or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days (Minn. R. 6700.0670, Supb. 3).

1000.4.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the division commander overseeing background investigations should not require candidates to provide passwords, account information, or access to password-protected social media accounts (Minn. R. 6700.0670, Subp. 1).

The division commander overseeing backgrounds should 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 Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the division commanders overseeing backgrounds should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.4.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including unverified information from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.4.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule (Minn. R. 6700.0670, Subp. 2; Minn. R. 6700.0700, Subp. 2).

1000.5 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

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- 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.

1000.6 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. Candidates will also be evaluated on their demonstrated cultural competence and readiness to support the city's strategic objective to advance racial equity.

1000.6.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by Minnesota POST (Minn. R. 6700.0700):

(a) Citizen of, or eligible to work in, the United States (Minn. R. 6700.0700, Subp. 1)

(b) Possess a valid driver's license

(c) Provide a complete personal history using a form provided by the Department

(d) Free of any felony conviction

(e) Not be required to register as a predatory offender under state law

(f) Free of conviction of any controlled substance law or of any misdemeanor offense listed in Minn. R. 6700.0700

(g) Have no record of engaging in discriminatory conduct, involvement with a hate or extremist group, or criminal gang

(h) Fingerprinted for purposes of disclosure of any felony convictions

(i) Submit to a medical examination and psychological evaluation required by Minn. R. 6700.0675 to ensure that the candidate is free from any physical, emotional, or mental condition which might adversely affect the candidate's performance of peace officer duties

(j) Successfully complete a physical strength and agility examination

(k) Successfully complete an oral examination

1000.6.2 NOTIFICATION TO POST

The Chief of Police shall notify the POST Board of any candidate appointed to the position of peace officer before the first day of employment on a form provided by POST. The appointee may

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not exercise peace officer powers until the notification form is received and approved by POST Board (Minn. R. 6700.0800).

1000.7 PROBATIONARY PERIODS

The Chief of Police or designee should coordinate with the St. Louis Park Human Resources Division to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The St. Louis Park Police Department 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 Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee’s position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 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 should 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.

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.

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.

1001.3.1 OUTLINE OF PROCESS STEPS

The performance evaluation process consists of the following:

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(a) Formal meetings on a trimester basis in April/May, and August/September, with the final annual review taking place at year-end to evaluate current year goals, work plans, training, and development of upcoming year goals.

(b) A Self-Review component will be completed by the employee during the final annual review process.

(c) Formal evaluation document completed by supervisor, reviewed by a Lieutenant, Deputy Chief, and / or the Chief of Police will then be discussed with the employee during the third meeting.

(d) Completed and signed evaluation forms shall be given to the Administrative Lieutenant for distribution, routing to HR.

1001.3.2 ADDITIONAL CONSIDERATIONS FOR SWORN EMPLOYEES

In addition to other defined rating factors, supervisors shall consider the following when rating sworn employees:

(a) For officers, an assessment of adherence to department policies

(b) For supervisors, an assessment of their effectiveness in addressing misconduct by officers they supervise

1001.4 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary licensed personnel are evaluated according to the regular evaluation schedule after the completion of field training.

1001.5 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to two types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor.

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).

1001.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will thoroughly describe the employee's performance. Language will be included to specifically address whether the employee's performance is above average or needs improvement.

Employees are encouraged to excel in the performance of their job duties to enhance the police department's quality of service. Employees must achieve above average performance as

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determined by the Chief of Police to be eligible for certain pay increases and will be provided a written plan designed to aid the employee in achieving above average performance

Space for written comments is provided in the evaluation form.This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement.

1001.6 OUTLINE OF UNDERPERFORMING EMPLOYEE PROCESS STEPS

(a) An underperforming employee as identified by City and Department established performance evaluation criteria will be placed on a work improvement plan. The intent of the work improvement plan is to assist identified employees with clear direction in realigning their performance with job standards. Examples of behaviors and actions symptomatic of an underperforming employee may include:

1. Uncharacteristic or repeated citizen’s complaints
2. Abrupt changes with regard to tardiness and absenteeism
3. Behavioral issues to include offensive or degrading remarks or conduct
4. Instances of failure to act or overreaction in the line of duty
5. Indications of alcohol and/or substance abuse
6. Significant negative changes in the employee’s performance reviews
7. Other policy violations

(b) The steps included with a work improvement plan are:

1. Identification of specific issues and corrective measures
2. Length of plan will be a 90-180 day review with the employee as a benchmark for completion of the plan, or an extension as needed with possible additions and/or revisions to the original measures.
3. Regular meetings between the employee and supervisor that measure the progress of the employee’s work performance. These meetings should occur at a minimum of once per work week or shift rotation.
4. A completed work plan should be closed with a summary memo to the employee and copied to a member of the command staff along with the Police Chief.

1001.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements should be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation.

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Appeal: The employee being rated can appeal their rating in writing, first to the rater (as above), and then if not satisfied, to the next level of command.

1001.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1001.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file for the tenure of the employee's employment. A copy will be given to the employee.

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the St. Louis Park Police Department.

1002.2 POLICY

The St. Louis Park Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following conditions are considered special assignments and not promotions:

(a) Special Weapons and Tactics member

(b) Investigator

(c) Motorcycle officer

(d) Bicycle Patrol officer

(e) Canine handler

(f) Collision investigator

(g) Field Training Officer

(h) Community Relations/Training Officer

(i) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer

(j) Court Officer

(k) Terminal Agency Coordinator

(l) Local Agency Security Officer

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Sufficient years of relevant experience

(b) Off probation

(c) Possession of or ability to obtain any certification required by the Minnesota Board of Peace Officer Standards and Training or law

(d) Exceptional skills, experience, or abilities related to the special assignment

(e) No current discipline restrictions or work improvement plans in effect

(f) A positive performance evaluation in the most recent cycle

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1002.3.2 EVALUATION CRITERIA
The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1002.3.3 SELECTION PROCESS
The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

(a) Interview with special assignment supervisor(s)

(b) Division Lieutenant interview or review - The Division Commander will schedule interviews with and/or review the application of each candidate.

1. Based on supervisor recommendations and those of the Division Commander after the interview/review, the Division Commander will submit his/her recommendations to the Chief of Police.

(c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

1002.4 PROMOTIONAL REQUIREMENTS
Requirements and information regarding any promotional process are available at the St. Louis Park Human Resources Division.

1002.5 TRAINING
The Chief of Police should ensure that all newly promoted and specially assigned members are provided with the training they need to perform the essential job functions and duties of their new assignments, responsibilities, and tasks.

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Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled promptly and fairly without discrimination against employees who file a grievance, whether there is a basis for the grievance. The Department's philosophy is to promote free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of a labor agreement.

1003.2 PROCEDURE

Grievance process will follow procedures set out in active labor agreements.

1003.3 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.

1003.4 PUNITIVE ACTION

At no time will punitive action be taken against a peace officer for exercising any rights during the grievance procedure (see generally Minn. Stat. § 626.89, Subd. 14).

1003.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded for inclusion into a secure file for all written grievances.

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Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members 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 members.

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 members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1004.2 POLICY

The St. Louis Park Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members 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.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice 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.
- Unjustified reassignment of duties or change of work schedule.
- 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.
- 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.

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1004.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING
An officer shall not be retaliated against for intervening or reporting that another law enforcement officer or a member used excessive force (Minn. Stat. § 626.8452).

1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members 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 member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members 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 Chief of Police via the chain of command and explaining to the member 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 member 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 a member to make any complaint.

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(i) Taking reasonable steps to accommodate requests for assignment or schedule change made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police 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 members 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.

1004.7 WHISTLE-BLOWING

The Minnesota Whistleblower Act protects an employee who, in good faith (Minn. Stat. § 181.932):

(a) Communicates a violation of any law or rule to the Department or to any government body or law enforcement official.

(b) Participates in an investigation, hearing, or inquiry at the request of a public body or office.

(c) Refuses an order to perform an act that the employee objectively believes violates a law, rule, or regulation, and informs the employer 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.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of the Chief for investigation pursuant to the Personnel Complaints Policy.

1004.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Employee Convictions and Court Orders

1005.1 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 the Department of any past and current criminal convictions.

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Minnesota and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Minn. Stat. § 518B.01).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 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 department 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.

1005.3.1 COURT ORDERS

All employees shall promptly notify the department if they are a party to, or have been served with, any court order from any jurisdiction.

1005.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) 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.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1005.5 CHEMICAL DEPENDENCY TREATMENT

If an officer is informally admitted to a treatment facility or program pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6)).

Officers in this situation shall promptly notify the department.

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Duty Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Any such authorization is required to be made by the Chief of Police or designee.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Division, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department. The Supervisor should then immediately notify the Chief of Police or Designee.

1006.7 SCREENING TESTS

The Department may request or require drug or alcohol testing in the following circumstances (Minn. Stat. § 181.951; Minn. Stat. § 181.952):

(a) **Reasonable suspicion** - The Duty Sergeant may request or require an employee to undergo drug and alcohol testing if there is a reasonable suspicion of any of the following:

1. The employee is under the influence of drugs or alcohol.
2. The employee has violated department rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working, is on department property, or is operating a vehicle owned by the department.
3. The employee has sustained an injury arising out of and in the course of employment, or has caused another employee to sustain an injury (full definition of personal injury in Minn. Stat. § 176.011, Subd. 16).
4. The employee has caused a work-related accident, or the employee's use of a vehicle, firearm, or safety equipment involved a work-related accident.

(b) Following a conditional job offer

(c) As part of an employee’s routine physical examination

(d) Under a random testing program of employees

(e) When the employee has been referred for an evaluation or treatment, or is participating in a treatment program under an employee benefit plan

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(f) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.

1006.7.1 DRUG- AND ALCOHOL-TESTING PROGRAM

The following applies to the department's drug and alcohol testing procedures (Minn. Stat. § 181.951; Minn. Stat. § 181.952; Minn. Stat. § 181.953):

(a) An employee or applicant has the right to refuse a test but the consequences of a refusal may result in discipline, up to and including termination, or a decision not to hire the applicant.

(b) Initial screening tests must be verified by a confirmatory test for the purpose of discipline.

(c) Employees will have an opportunity to participate in an appropriate alcohol or drug program for their first confirmed positive test. The program may be in lieu of other discipline unless the employee fails the program or refuses to participate (Minn. Stat. § 181.953).

(d) A confirmed positive test may result in discipline, up to and including termination.

(e) An employee or job applicant will have the opportunity to explain a positive test result and may request and pay for a second confirmatory retest.

(f) All disciplinary procedural safeguards in this manual apply, including the post-discipline appeal procedures (see the Personnel Complaints Policy).

(g) Employees and job applicants shall receive required written notice, including posting, of the drug- and alcohol-testing policies and procedures as set forth in Minn. Stat. § 181.952.

(h) The safeguards of Minn. Stat. § 181.953 will be followed for any testing and any related discipline process.

Notice of the adopted drug and alcohol testing policy shall be posted in an appropriate and conspicuous location and copies shall be available for inspection to all employees and job applicants (Minn. Stat. 181.952).

1006.7.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

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1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Flex Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of leave. The accrual and terms of use of leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of leaves. For example, employees may 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) and the Minnesota Pregnancy and Parenting Leave Act (29 USC § 2601 et seq.; Minn. Stat. § 181.941).

1007.2 POLICY

It is the policy of the St. Louis Park Police Department to provide eligible employees with a flex leave benefit.

1007.3 USE OF FLEX LEAVE

Flex leave is intended to be used for qualified absences. Abuse of flex leave may result in discipline, denial of leave benefits, or both.

Employees on leave stemming from injury or illness shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from an injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Duty Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than two hours before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.3.2 PRETENDED ILLNESS OR FALSE CLAIMS OF INJURY

Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise misrepresent to the department the condition of their health.

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1007.4 EXTENDED ABSENCE

Members absent from duty for more than two consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider’s statement for an absence of two or fewer days.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of flex leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence may qualify as family medical leave and consulting with the Human Resources Division as appropriate.

(c) Addressing absences and flex leave use in the member's performance evaluation when excessive or unusual use has:

    (a) Negatively affected the member's performance or ability to complete assigned duties.

    (b) Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of flex leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the St. Louis Park Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The St. Louis Park Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO, with guidance from the Chief of Police, shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

  (a) Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

  (b) Exposure control mandates in 29 CFR 1910.1030 (Minn. R. 5206.0600).

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(c) Reporting cases and suspected cases of communicable diseases to the Department of Public Health (Minn. R. 4605.7070; Minn. Stat. § 144.4804). This may be done in cooperation with the Chief of Police and/or designee.

(d) Notifying appropriate medical facilities regarding member exposures and providing assistance locating source individuals, as applicable (Minn. Stat. § 144.7414). This may be done in cooperation with the Human Resources department.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; Minn. R. 5206.0600):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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1008.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Minn. R. 5206.0600).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; Minn. R. 5206.0600):

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease, Personal Injury and Death Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The Chief of Police or designee, or the Human Resources department, should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; Minn. R. 5206.0600):

(a) Whether the member has been informed of the results of the evaluation.

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(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted.

1008.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Minn. R. 5206.0600).

1008.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. It is the responsibility of the exposed member's supervisor or division commander to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Seeking testing through the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 through a licensed hospital or other emergency medical care facility.

Since there is the potential for overlap between the different manners in which source testing may occur, coordination should be undertaken to prevent unnecessary or duplicate testing.

Department staff should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (Minn. Stat. § 144.7411).

1008.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Minn. R. 5206.0700):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in St. Louis Park Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The St. Louis Park Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, within 25 feet from any entrance, exit, open window or ventilation intake unless otherwise designated, and as is further outlined in this policy (Minn. Stat. § 144.414). This shall include the use of any electronic dispensing device used to vaporize substances for ingestion (i.e., e-cigarettes). See also the City Personnel Manual, 18.9 | Smoking Policy, for additional information.

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No employee shall smoke, even while out of view of the public, 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).

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Personnel Complaints / Allegations of Misconduct

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the St. Louis Park Police Department (Minn. R. 6700.2200). This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

It is the policy of the St. Louis Park Police Department to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations; and to impose any corrective actions that may be justified in a timely and consistent manner.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation. A web-based resource for this purpose is made available at www.stlouisparkmn.gov, "Compliment an Officer/Report a Concern."

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Division Commander is satisfied that appropriate review and action has been undertaken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Office of the Chief, depending on the seriousness and complexity of the investigation.

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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 Office of the Chief, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

(f) The Minnesota Board of Peace Officer Standards and Training (POST) may refer complaints alleging a violation of a statute or rule that the board is empowered to enforce (Minn. Stat. § 214.10, Subd. 10).

(g) Any person making a complaint may be accompanied by an attorney or other representative, including at the time the complaint is made.

(h) Any person wishing to file a complaint against the Chief of Police should be referred to the City Manager for investigation by an outside agency.

1010.4 DEFINITIONS

For the purpose of this policy, the terms set forth below are defined as follows:

(a) Chief Law Enforcement Officer means the chief of police, sheriff, state law enforcement director or designee. Within this policy, the chief law enforcement officer will be referred to as CLEO.

(b) Law Enforcement Officer means an individual who holds a peace officer license in the State of Minnesota. Within this policy, a law enforcement officer will be referred to as LEO.

(c) Complainant means a person who submits a complaint to the Agency or CLEO alleging misconduct by an agency member.

(d) Complaint means a statement alleging behavior that constitutes misconduct.

(e) Member means all voluntary and compensated personnel of the agency.

(f) Discipline means any of the following or combination thereof:

1. Oral Reprimand
2. Written Reprimand

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3. Suspension
4. Demotion
5. Discharge

(g) Exonerated means a fair preponderance of the evidence established either that:

1. the act or acts complained of did not occur (unfounded);
2. the agency member named in the complaint was not involved in the alleged misconduct; or
3. the act(s) that provided the basis for the complaint occurred; however, the investigation reveals that such act(s) were justified, lawful or proper.

(h) Not Sustained means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

(i) Sustained means a fair preponderance of the evidence obtained in the investigation established that the LEO's actions constituted misconduct.

(j) Respondent means an individual who is the subject of a complaint investigation.

(k) Misconduct means:

1. intimidation or retribution toward a complainant or witness involved in any complaint proceeding.
2. sexual harassment as that term is defined under Minnesota law;
3. abusive or insulting language or conduct which is derogatory of a person's race, religion, sex, national origin or sexual preference;
4. conduct which violates a person's civil rights;
5. abuse of authority;
6. the conviction of any criminal offense;
7. the use of unnecessary or excessive force;
8. a violation of any agency policy and procedure governing conduct of agency members;

(l) Policies and Procedures mean the administrative rules adopted by the agency regulating the conduct of agency member.

(m) Shall/will means that the action is mandatory.

(n) May means that the action is permissible.

(o) Receiving Authority means the entity who receives and is required to investigate the complaint when the subject of the complaint is a CLEO.

1010.5 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

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1010.5.1 COMPLAINT FORMS

Personnel complaint forms will be provided to anyone who requests them and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.5.2 ACCEPTANCE AND FILING OF COMPLAINTS

All complaints will be courteously accepted by any departmentsupervisor.

(a) Complaint forms must be made available through agency personnel, at designated public facilities, and online.

(b) Complaints may be received either in person, over the telephone, in writing, or via the internet. A complainant may remain anonymous. The complainant should be advised that remaining anonymous may affect the investigation of the complaint.

(c) A complainant may be accompanied by an attorney or other representative at the time a complaint is filed or at any other stage of the process.

(d) The complainant must be advised of the procedures for submitting the complaint and provided with a copy of their submitted complaint

(e) Employees must provide assistance to individuals who express the desire to lodge complaints against any employee of this agency.

(f) The complainant should be asked to verify by signature if the complaint is a complete and accurate account. If the complainant elects not to sign, this fact must be documented and the complaint processed according to procedure.

(g) The CLEO will forward a copy of the written complaint to the respondent only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.

(h) A CLEO or Receiving Authority may delegate the duties and responsibilities required of a CLEO by this policy to an appropriate designee(s).

(i) The city manager, mayor, or city attorney must refer investigations of alleged misconduct against a CLEO to an outside law enforcement agency or criminal justice agency that has no discernible conflict of interest.

(j) Any complaint made against a chief of police must initially be made to the city administrator, manager or mayor. Any complaint made against a sheriff must initially be made to the county attorney, the county administrator or the board of county commissioners.

1010.6 RESOLUTION OF INFORMAL COMPLAINTS

(a) The supervisor receiving a report of employee misconduct of a minor nature, or a report which does not involve employee misconduct (e.g., a mere disagreement with an officer) may, in their discretion, attempt to informally resolve the matter. Informal resolution may include providing the complainant with an explanation of the facts and

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circumstances surrounding the officer's conduct, or otherwise attempting to clarify any misunderstandings between the involved officer(s) and citizen(s).

(b) The supervisor who has informally resolved a report of alleged employee misconduct shall document the informal resolution following the established procedure, setting forth the substance of the report and a description of how the matter was resolved. This documentation shall be completed promptly and the officer made aware of the process and outcome in a timely manner.

(c) The above sections shall not be construed to preclude the Chief of Police from reviewing any report of employee misconduct and taking whatever actions are deemed appropriate, even though the reporting party does not wish to pursue the matter further.

1010.7 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are properly documented. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

1010.8 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows (Minn. R. 6700.2200).

1010.8.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the initial investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

1. The original complaint form will be directed to the Lieutenant in charge of the division of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation, with guidance from the Chief of Police.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will note the resolution and ensure this information is routed to the Chief of Police or designee.

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(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Lieutenant in charge of the division of the accused member and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources Division and the Chief of Police for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Division Commander, who will determine whether to contact the complainant or assign the complaint for investigation, in consultation with the Chief of Police.

(g) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
3. Informing the complainant of the investigator's name and the complaint number within three days after assignment.
4. Ensuring interviews of the complainant are generally conducted during reasonable hours.
5. Ensuring that the procedural rights of the accused member are followed.

(See also Policy 1011: Disciplinary Procedures for Emergency Situations.)

1010.8.2 EXTERNAL INVESTIGATIONS

The Chief of Police may request that an outside agency conduct an investigation anytime the Chief of Police determines an external investigation is appropriate.

This department should not conduct an investigation when the Chief of Police is the subject of the complaint. An external investigation should be requested through the City Manager.

1010.8.3 INVESTIGATION OF A COMPLAINT

(a) Upon receipt of the complaint, the CLEO must make an initial determination as to whether or not the facts alleged require a formal administrative investigation, by assigning a preliminary review to the appropriate supervisor. If, after review of preliminary investigation findings,the CLEO decides that an investigation is not required, the disposition of the complaint must be cleared as "unfounded", "not sustained", or "exonerated." The complainant and the respondent will be notified of this decision and the basis for determination. Officers should be made aware of the preliminary review process in a timely manner. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may reverse this decision and order an administrative investigation.

(b) If the CLEO determines an administrative investigation is required, an appropriate designee will be assigned to investigate the complaint. When the CLEO believes an external investigation is appropriate or when the CLEO is the subject of the complaint,

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the investigation will be assigned to an external agency that has no discernible conflict of interest.

(c) The investigator must inform the complainant of his or her name, business phone number and the status of the complaint as soon as possible after being assigned the investigation.

(d) The investigator must thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another agency member, the investigator must report that fact to the CLEO or, in the case of a complaint against a CLEO, the appropriate city administrator, manager, mayor, county attorney, county administrator or board of county commissioners.

(e) All agency members must cooperate with the investigation. When the respondent is a licensed peace officer, the investigation must comply with the requirements of MN STAT 626.89 and acts amendatory thereto.

(f) The investigator must prepare a report that contains all relevant information organized into the following three (3) sections:

1. Allegations: An itemized summary of the acts of misconduct alleged in the complaint. Reference must be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
2. Investigation: A chronological summary of the investigation including all pertinent facts obtained through interviews with the complainant, accused agency member(s), and all available witnesses. Written statements, descriptions and analysis of any physical evidence, and all other relevant information must be included.
3. Conclusions: The investigator's findings and conclusions as to whether any misconduct occurred and the underlying reasons for the findings and conclusions.
4. Note: An Introduction, Synopsis, and Exhibits should also be included.

(g) The investigation should be completed within 90 days of the filing of the complaint unless the CLEO or designee determines there is good cause to grant an extension. The complainant and respondent must be informed of any extension.

Whether conducted by a supervisor or member of the command staff, the following shall apply to members covered by the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty (Minn. Stat. § 626.89, S ubd. 7). If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the St. Louis Park Police Department or at a place agreed upon by the accused member (Minn. Stat. § 626.89, Subd. 4).

(c) No more than two interviewers should ask questions of an accused member.

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(d) Prior to any interview, a member should be informed of the nature of the investigation.

1. The member shall be given a copy of any written complaint signed by the complainant (Minn. Stat. § 626.89, Subd. 5) and/or signed summary of allegations supplied by the Chief of Police, if none exists.

(e) All interviews should be for a reasonable period and the member's personal needs should be accommodated (Minn. Stat. § 626.89, Subd. 7).

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Garrity advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

3. Link to Garrity-Tennessen document available here.

(h) The interviewer shall record all interviews of members and witnesses. The member may also record the interview. A complete copy or transcript of the interview must be made available to the member upon written request without charge or undue delay. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative or attorney present before or during the interview (Minn. Stat. § 626.89, Subd. 9). When a member requests a representative or attorney, no interview may be taken until a reasonable opportunity is provided for the member to obtain that person's presence. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

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(l) Before a formal statement is taken, the member 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).

(m) A member may not be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).

(n) A member's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1010.8.4 ADDITIONAL INVESTIGATION, REVIEW, AND DISPOSITION

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

(a) Upon completion of the investigation, the investigator must submit the report, case file and all investigative notes to the CLEO or designee. The CLEO or designee may require additional investigation or make one of the following decisions:

1. Exonerated
2. Not Sustained
3. Sustained

(b) The CLEO or Receiving Authority may postpone making a decision until any related criminal charges are resolved. The complainant and respondent must be informed of this decision to delay.

(c) If the decision is "exonerated" or "not sustained" the CLEO or Receiving Authority must immediately notify the complainant and the respondent of the decision.

(d) If the complaint is "sustained" the CLEO or Receiving Authority will:

1. Issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations and procedures violated; and
2. Take appropriate remedial and/or disciplinary action.
3. Advise the complainant of any public information regarding the disposition.

(e) Prior to the implementation of remedial and/or disciplinary action the respondent will be provided with a copy of the findings of fact. The CLEO, Receiving Authority and/or designee must review the findings of fact with the respondent and explain the reasons for the remedial and/or disciplinary action.

(f) The investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.

(g) When a "sustained" disposition is final the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

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1010.8.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation shall provide the complainant with periodic updates on the status of the investigation, as appropriate and consistent with the provisions of the Minnesota Government Data Practices Act (MGDP) (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1010.9 ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.10 ADMINISTRATIVE LEAVE
When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the subject to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an investigation subject to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.11 CRIMINAL INVESTIGATION
Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The St. Louis Park Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

The Chief of Police may postpone making a decision on an administrative investigation until any related criminal charges are resolved. The complainant and involved member should be informed of this decision to delay.

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1010.12 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Members of the command staff should review before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.12.1 DISCIPLINE

Disciplinary action may include, but is not limited to (Minn. R. 6700.2200):

(a) Oral reprimand.

(b) Written reprimand.

(c) Suspension.

(d) Demotion.

(e) Discharge.

1010.12.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

    (a) Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

    (b) If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

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1010.12.3 MINNESOTA POST 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 department 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).

The Department shall cooperate with POST's investigation and provide requested information unless (Minn. Stat. § 626.8457):

(a) There is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by POST.

(b) An active internal investigation exists regarding the same incident or misconduct that is being investigated by POST during 45 days from the time the request was made by POST. The Chief of Police or the authorized designee shall comply with the request upon completion of the internal investigation or once 45 days has passed, whichever occurs first.

1010.12.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated) of the complaint. Notice must be consistent with the provisions of the MGDP (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1010.12.5 CIVILIAN OVERSIGHT COUNCIL

When applicable, the Chief of Police or the authorized designee shall cooperate with the designated civilian oversight council, as appropriate (Minn. Stat. § 626.89, Subd. 17).

1010.13 PRE-DISCIPLINE 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 Chief of Policeor other designated authority 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) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

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(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.14 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline. Investigations should generally be completed in these circumstances.

1010.15 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules (Minn. R. 6700.2200).

The Department will follow the disclosure procedures applicable to administrative hearings involving personnel complaints, subject to any applicable legal exceptions or limitations (Minn. Stat. § 626.89, Subd. 6).

Employees covered by the Veterans Preference Act are entitled to written notice of the right to request a hearing within 30 days of receipt of the notice of intent to terminate, suspend, or demote. 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).

1010.16 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy except for employees covered by the Veterans Preference Act (Minn. Stat. § 197.46). However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing (where a liberty or property interest is claimed to be at stake), which shall be limited to a single appearance before the Chief of Police or the authorized designee (Minn. R. 6700.2200).

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.17 MAINTENANCE AND DISCLOSURE OF DATA

1. Disclosure to the public, complainant and respondent of data collected, created or received by the agency in connection with this policy and procedure must be governed by the provisions of the MN Government Data Practices Act. Retention of data collected or maintained in connection with this policy must be retained in accordance with the agency's "Record Retention Schedule."

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2. All data collected, created or received by the agency in connection with this policy and procedure must be maintained in accordance with the agency's "Record Retention Schedule."
3. The placement of the disposition report or other data in an employee's personnel file must be governed by the agency's personnel policy.
4. Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the CLEO or the agency's Data Practices "Responsible Authority," and as provided by Chapter 13, the "Minnesota Government Data Practices Act," or valid court order.

1010.17.1 CONFIDENTIALITY OF PERSONNEL FILES
All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained in a secure location separately from peace officer personnel files. The contents of such files shall not be revealed to other than the involved member 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 member.

1010.17.2 LETTERS OF DISCIPLINE AND REPRIMANDS
Letters of discipline and reprimands may only be placed in a member’s personnel file after they are received by the member (see generally Minn. Stat. § 626.89, Subd. 13).

1010.18 POST BOARD REPORTING REQUIREMENTS

(a) Under Minn. Rule 6700.1610, a licensed peace officer must self-report to the POST Board any violations of the Standards of Conduct for peace officers listed in Minn. Rule 6700.1600.

(b) Any person with knowledge of peace officer misconduct constituting grounds for action under Minn. Stat. chapter 214, or Minn. Rules 6700.1600, may report the violation to the Board.

(c) Minnesota Stat. 626.8457 Subd. 3 requires CLEOs to submit individual peace officer public and private data related to allegations of misconduct to the POST Board in “real time” via the POST Board Misconduct Reporting System.

(d) A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.

(e) Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in Minn. Stat. 626.8457 Subd. 3 paragraph (b) to the Board. Any such confidentiality agreement is void as to the requirements of this section.

1010.19 REQUIRED REPORTING TO POST BY AGENCY HEAD OR DESIGNEE

The Chief of Police or the authorized designee shall notify POST of certain officer personnel events, including but not limited to:

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(a) A termination or resignation of an officer who is the subject of an internal or criminal investigation due to alleged misconduct regardless of whether the investigation has been initiated or completed, or whether the officer was criminally charged (Minn. Stat. § 626.8457, Subd. 4).

(b) The violation of a required POST model policy identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

1010.19.1 POST ONLINE MISCONDUCT REPORTING SYSTEM
Required Reports, Minn. Stats 626.8457 and 626.845, Minn. Rules 6700.1615, 6700.2000-2600

Effective July 1, 2024, the reporting requirements for the Misconduct Reporting System (MRS) are as follows:

A CLEO must report **violations** of the standards of conduct for licensed peace officers as described in Minn. Rules 6700.1600 and all **violations** of required agency policies as described in Minn. Rules 6700.1615. The Deputy Chief has been designated as the responsible party for this reporting.

If you determine that a **violation** occurred, it should be reported, **regardless of whether or not discipline was imposed.**

Determining whether a violation occurred should be done through your agency's established procedures for investigating allegations of misconduct, and consistent with the POST Model Policy for handling allegations of misconduct.

Minn. Stat. 626.8457 Subd. 4 requires "real-time" reporting to the MRS. To accomplish this requirement, you should report the incident to POST **as soon as you determine that a violation occurred.** If/when any discipline is imposed and the matter is closed, you should update the report within 30 days.

1010.20 ANNUAL ANALYSIS

The Chief of Police or the authorized designee shall complete a written annual analysis of all employee misconduct complaints and dispositions, including outcomes of disciplinary procedures and other reporting requirements pursuant to Minn. Stat. § 626.8457, Subd. 3.

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Disciplinary Procedures for Emergency Situations

1011.1 POLICY

(a) All supervisory officers have the authority to impose emergency suspensions upon a member of the department until the next business day when it appears that such action is in the best interest of the department. Such suspensions shall be without loss of pay or benefits to the employee suspended. Any person so suspended shall be instructed to report to the office of the Chief of Police at 9:00 a.m. the next business day unless circumstances require special action. The supervisor recommending or imposing the suspension will also report at the same time.

(b) Discretion will be exercised in the application of this authority. Care must be taken to ensure that critical assignments are not left uncovered as a result of a suspension action.

(c) A supervisor has the prerogative of correcting, admonishing, or reprimanding an employee whenever suspension is not warranted, due to the circumstances of the incident.

1011.2 VERBAL WARNINGS AND WRITTEN REPRIMANDS

(a) **VERBAL WARNING:**

1. A verbal recommendation to a member to correct a violation of a departmental rule, regulation, or procedure by a supervisor to an employee.

(b) **WRITTEN REPRIMAND:**

1. The sustained findings of a complaint or actions of an officer where more than an oral warning, but less than a suspension, is determined to be the necessary action.
2. Copies submitted to officer, union, Human Resources and officer's personnel file.

(c) **APPLICATION OF VERBAL WARNING AND WRITTEN REPRIMAND:**

1. This procedure provides for immediate disciplinary action against those members who fail to conform to certain departmental standards of conduct and/ or appearance.
2. Incidents to be covered by this provision include, but are not limited to:
   (a) Failure to comply with the uniform rules and regulations.
   (b) Failure to report back in service immediately upon completion of an assignment.
   (c) Failure to properly care for, or use, official departmental equipment.
   (d) Taking excessive time for meals and / or breaks.
   (e) Failure to provide prompt, correct, courteous service.

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(f) Failure, while on patrol duty, to give full attention to the prevention of crime.

(g) Transporting persons in a departmental vehicle, except for a proper police purpose or on departmental business.

(h) Congregating, while on patrol (e.g., multiple officers in an eating establishment unless authorized by a supervisor.

(i) Leaving the member's assigned patrol district for an extended period without authorization.

(j) Failure to perform assigned tasks.

(k) Misusing departmental equipment or supplies.

(l) Reporting unfit for duty for reasons other than would justify action under other provisions of this order.

(m) Failure of a supervising officer to take appropriate action upon observing any of the above incidents. (Note: An oral reprimand may have been the appropriate action for a supervisor to have taken).

3. When a greater foreseeable penalty would be imposed, either because of the circumstances or because of the offender's past disciplinary record, the procedures outlined in this manual for misconduct investigations will be followed.

4. Action under this subdivision will not eliminate recommendation for a more severe penalty by a higher authority.

1011.3 DISCIPLINARY PENALTIES, REPORTING, AND DOCUMENTATION

DISCIPLINARY PENALTIES: Any member of the department may be subject to reprimand, reduction in pay, suspension from duty, reduction in rank, dismissal from the department, or any one or more of the foregoing penalties according to the nature and aggravation of the offense.

DISTRIBUTION OF REPORTS OF DISCIPLINARY ACTION: The report shall be forwarded to the Chief of Police. In the writing and in the submitting of these reports, every effort shall be made to keep the incident confidential.

DOCUMENTED DISCIPLINE: All discipline will be documented in the employee's annual performance evaluation.

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Seat Belts

1012.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Minn. Stat. § 169.686).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Minn. Stat. § 169.685).

1012.2 POLICY

It is the policy of the St. Louis Park Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1012.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Minn. Stat. § 169.686).

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 realistically endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1012.4 TRANSPORTING CHILDREN

All children younger than 8 years of age and shorter than 4 feet 9 inches tall shall be restrained in a child passenger safety seat system (Minn. Stat. § 169.685, Subd. 5(b)).

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, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1012.5 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1012.6 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.

1012.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the St. Louis Park Police Department 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.

1013.3 ISSUANCE OF BODY ARMOR

The Chief of Police or designee shall ensure that body armor is issued to all officers when the officer begins service at the St. Louis Park Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

A body armor replacement schedule shall be established to ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1013.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers 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 an officer is working in uniform or taking part in department range training.

(e) An officer 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.

(f) Officers shall wear body armor during pre-planned, high-risk operations.

1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn in accordance with this policy through routine observation. It is the responsibility of the officer to ensure their body armor is maintained in accordance with the manufacturers recommendations.

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1013.3.3 CARE AND MAINTENANCE OF 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.

1013.4 COMMAND STAFF RESPONSIBILITIES RELATED TO BODY ARMOR

The Chief of Police or designee should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department 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 officers about the safety benefits of wearing body armor.

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Personnel Records

1014.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel data. Personnel data includes any file maintained under an individual member's name.

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.

1014.2 POLICY

It is the policy of this department to maintain personnel data and preserve the confidentiality of personnel data pursuant to the Constitution and the laws of Minnesota (Minn. Stat. § 13.43).

1014.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Commendations and awards.

1014.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1014.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

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(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1014.6 ALLEGED MISCONDUCT FILE

Alleged misconduct files shall be maintained under the exclusive control of the Chief of Police. Access to these files may only be approved by the Chief of Police.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the alleged misconduct file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1014.7 EMPLOYEE ASSISTANCE PROGRAMS

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).

1014.8 SECURITY

Personnel data should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel data maintained in an electronic format should have adequate password protection.

Any personnel data not deemed public data is private and shall not be subject to disclosure except as provided in this policy, the Records Maintenance and Release Policy, according to applicable discovery procedures or with the member's written consent (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

Nothing in this policy is intended to preclude review of personnel data by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1014.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for personnel data shall promptly notify the Custodian of Records or other person charged with the maintenance of such data.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel data shall be logged in the corresponding file.

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1014.8.2 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 Chief of Police designee (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

1014.9 MEMBER ACCESS TO THEIR OWN PERSONNEL RECORDS

Upon request, any member may request access to his/her own personnel file as set forth in Minn. Stat. § 181.961.

Any member seeking the removal of any item from their personnel files shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel file. If the contested item is ultimately removed, the written responses 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.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing alleged misconduct investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of alleged misconduct files that have not been sustained against the member.

(c) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(d) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(e) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(f) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1014.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel data shall be maintained in accordance with the established records retention schedule.

During the preparation of each member's performance evaluation, supervisors will review all division files and records for incorporation into the evaluation. Once this process is complete, the contents of these files should be purged by supervisors, as all information necessary for inclusion in the evaluation has been incorporated.

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Also during the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. The Chief of Police, with guidance from Human Resources and/or legal counsel, will determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the St. Louis Park Police Department and individuals from the community.

1015.2 POLICY

It is the policy of the St. Louis Park Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 COMMENDATION REVIEW BOARD PROCESS

(a) The commendation review board will consist of five or more department members: **one lieutenant, one sergeant, two patrol officers, and one investigator.** The Deputy Chief may also serve on the board. The Chief of Police or designee will select the members of the commendation review board.

(b) The commendation review board is authorized to investigate all recommendations from any source for all award types and may call witnesses, examine reports, statements, and evidence. The commendation review board shall submit all recommendations in writing to the Chief of Police for final review.

(c) Once approved, a certificate or letter will be prepared, signed by the chief, and placed in a frame or folder for presentation. The Chief of Police and/or designee will make arrangements for the presentation. Copies of all certificates and letters will be will be displayed in the Police Station.

1015.4 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1015.5 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond the typical duties.

1015.5.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts using the appropriate form, or other method established/approved by the Chief of Police. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

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2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The name(s)of the member(s) submitting the documentation.

1015.5.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

(a) For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

(b) For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

1015.6 OTHER AWARD/RECOGNITION TYPES

Awards may be bestowed upon members of the Department and individuals from the community in most cases. In addition to the department commendation, these awards include the following. Nominations will be reviewed by the Commendation Review Board and presented as above:

(a) **Department Award of Valor:** Awarded to a member or citizen who, conscious of danger, intelligently, and in the furtherance of public safety, distinguishes him or herself by the outstanding performance of an act of gallantry and valor at imminent personal hazard to life, above and beyond the call of duty or routine humanity.

1. Presentation: A distinctive certificate and plaque which sets out the reasons for the award.

(b) **Department Award of Merit:** Awarded to a member or citizen for excellent, unusual accomplishments in furtherance of public safety as recognized by other officers, their superiors, or concerned citizens. This award is presented when duties performed are above normal or for an outstanding accomplishment that has resulted in improved administration, improved operation, or substantial savings in manpower or operational costs where the member has gone far beyond the requirements of the normal assignment to contribute to more effective and efficient police service.

1. Presentation: A distinctive certificate and plaque which sets out the reasons for the award.

(c) **Unit Teamwork Citation:** Recognition of outstanding teamwork in the performance of police duties by a group of Department members.

1. Presentation: Certificate citing teamwork from the Chief of Police to the members of the designated group.

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(d) **Letter of Recognition:** Recognition of above average professional performance of police duties by an individual Department member.

1. Presentation: A letter of recognition given to the member from the Chief of Police, which sets out the reasons for recognition.

(e) **Community Partnership Award:** Recognition of highly beneficial contributions to the success of police programs, investigations, or functions by a community member, business, nonprofit organization, or civic group.

1. Presentation: Certificate citing the beneficial contributions to be recognized, presented by the Chief of Police to a designated representative or individual.

1015.7 CHIEF'S DISTINGUISHED AWARD OF MERIT

At the discretion of the Chief of Police the Distinguished Award of Merit may be presented to any department member(s) for performance resulting in improved operations, outstanding community service, or substantial growth in departmental success.When awarded, the Chief's Distinguished Award of Merit recipient shall receive a commemorative plaque or distinctive certificate of recognition and is typically presented during the department's annual meeting. Selected examples of the types of outstanding work that can support presentation of this award either individually, or in combination with others, appear below:

Example Criteria for a Chief's Distinguished Award of Merit:

(a) **Exemplary Performance:** Consistent demonstration of exceptional dedication, effectiveness, and professionalism in carrying out duties and responsibilities.

(b) **Leadership:** Displaying outstanding leadership qualities, such as inspiring and motivating colleagues, fostering teamwork, and exhibiting decision-making skills in challenging situations.

(c) **Community Engagement:** Active involvement in community outreach initiatives, fostering positive relationships between law enforcement and the community served.

(d) **Integrity and Ethical Conduct:** Demonstrating unwavering integrity, honesty, and ethical conduct in all interactions, upholding the highest standards of accountability and trustworthiness.

(e) **Positive Impact on Department Morale:** Contributing to a positive work environment by fostering morale, camaraderie, and mutual respect among colleagues.

(f) **Dedication to Public Safety:** Showing a steadfast commitment to ensuring the safety and well-being of the public, consistently going the extra mile to serve and protect the community.

(g) **Significant Contributions to Department Goals:** Making significant contributions towards achieving departmental objectives, including successful facilitation of a new initiative or program, measurable improvements in crime reduction, public safety, or operational efficiency.

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Fitness for Duty

1016.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1016.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this department shall perform his/her 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 his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her 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 his/her 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.

(d) In conjunction with the Duty Sergeant or the employee's available Division Lieutenant, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1016.4 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 flex leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

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1016.5 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 Chief of Police, 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) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Human Resources 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 Department 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 Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(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 Department, 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.

1. The Chief of Police and Human Resources will make a finding on termination from employment, in accordance with collective bargaining agreements in place, if any, or, if a return to work is warranted, a plan will be developed.

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1016.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any two day (48 hour) period or
- 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of nine 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, holdover, training, special events, contract work, general overtime and any other work assignments.

1016.8 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the applicable collective bargaining agreement.

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Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1017.2 POLICY

It is the policy of the St. Louis Park Police Department to provide meal periods and breaks to members of this department in accordance with Minn. Stat. § 177.253, Minn. Stat. § 177.254, and Minn. R. § 5200.0120, any applicable collective bargaining agreement, and the City personnel manual.

1017.3 MEAL PERIODS

Each employee who works for six or more consecutive hours is entitled to at least 30 minutes to eat a meal (Minn. Stat. § 177.254). Officers and dispatchers shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the dispatcher prior to taking a meal period. Uniformed officers shall take their meal periods within the City limits and shall monitor the police radio, unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1017.4 BREAKS

Each employee is allowed a break of at least 15 minutes or enough time to use the nearest convenient restroom, whichever is longer, within each four-hour consecutive hours of work (Minn. Stat. § 177.253). Only one break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain at the police facility for their breaks. This does not prohibit them from taking a break away from the facility if they are on official business.

Employees assigned to field duties will take their breaks in their assigned areas, subject to call, and shall monitor the police radio. When such employees take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the dispatcher.

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Lactation Breaks

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1018.2 POLICY

It is the policy of the St. Louis Park Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks may be taken at the same time as the member's regularly scheduled rest or meal periods (Minn. Stat. § 181.939).

Members desiring to take a lactation break shall notify the dispatcher or supervisor prior to taking such a break, in accordance with established department and/or division procedures.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

Members 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 members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1018.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1019.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1019.2 POLICY

The St. Louis Park Police Department maintains timely and accurate payroll records.

1019.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for reviewing the overtime and time off requests of those under their commands, when necessary.

1019.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1019.5 RECORDS

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

1020.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either the employee must complete and submit an extra hours request as soon as practicable after overtime is worked.

1020.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, if allowed under the collective bargaining agreement. The employee may not exceed the number of hours identified in the collective bargaining agreement.

Rates, as per the current labor contract, shall not be paid for administrative hearings in which the police officer is the subject of disciplinary action, in administrative disciplinary hearings or in court cases where the member is the defendant unless authorized by the Chief of Police or designee.

Overtime shall be authorized for off duty sworn personnel who take proper police action in all matters that require immediate police action.

1020.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Division Commander. Requests of this type are submitted and reviewed in the online scheduling software system in use by the Department.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1020.2.1 EMPLOYEES' RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Duty Sergeant. Employees submitting overtime requests for on-call pay when off-duty shall submit requests the first day after returning to work. Employees are also required to properly enter overtime on their bi-weekly "time sheet" submitted in the City's online time reporting system.

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1020.2.2 SUPERVISOR RESPONSIBILITIES
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1020.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., two hours for court, three hours for outside overtime).

1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1020.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case or court trial and the amount of time for which payment is requested varies from that reported by the other employee, the Duty Sergeant or other approving supervisor may require each employee to include the reason for the variation in the overtime payment request.

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Outside Overtime and Employment

1021.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Policeor designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1021.1.1 DEFINITIONS

Outside Employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime ("Additional Duty") - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits. Only officers that have successfully completed field training will be permitted to engage in outside overtime. Employees on temporary modified duty assignments, administrative leave, or on a discipline-related suspension shall not work outside overtime (or any regular/overtime patrol shifts. (See also Policy/Procedure for Additional Duty [Outside Overtime], below.)

1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an Outside Employment form that shall be submitted to the Chief of Police or designee. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved by the Chief of Police, outside employment will be authorized through the end of the calendar year in which it is approved.

Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

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1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee's Outside Employment Application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment approval may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Revocation will be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(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 outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment form(s). After any appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.

(b) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Department time, facilities, equipment or supplies, the use of the Department 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 department 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 department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department 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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1021.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position without express approval of the Chief of Police or designee.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a request to the Chief of Police or designee in advance of the desired service. Such outside overtime will be monitored by the patrol lieutenant.

(a) The applicant will further be required to provide for the compensation of all employees requested for such outside security services.

(b) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the Department uniform/identification.
2. The officer(s) shall be subject to all the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1021.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Chief of Police or designee, undercover officers or officers assigned to covert operations should not work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1021.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee’s position with this department.

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1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid authorization, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside 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 of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON TEMPORARY MODIFIED DUTY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who 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 outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor’s orders and make a recommendation to the Chief of Police whether such outside employment should continue or be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original authorization. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside 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 his/her intentions to their supervisor.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.

1021.7 POLICY/PROCEDURE FOR ADDITIONAL DUTY (OUTSIDE OVERTIME)

- All officers off field training are eligible to work additional duty.
- Signing up for an additional duty shift is first come.
- The additional duty forced overtime list will consist of the entire officer and sergeant workgroups in reverse-seniority (i.e., including special assignments, etc.).

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- Additional Duty forced overtime assignments will be filled on a reverse seniority basis (i.e., lowest seniority is at the top of the fill list).
- The department will accept additional duty requests two weeks prior to the event date for which officers would be subjected to forced overtime. Requests received by the department with less than two-week advance notice will not result in officers being forced to fill.
- Unfilled Additional Duty assignments will be filled in the following manner:
    - If the schedule is above minimum for the time in question, an on-duty officer will be assigned to fill the vacancy at regular pay. The officer with the least impact on patrol staffing will be selected.

      If the assignment cannot be filled by on-duty personnel, the next officer on the forced overtime list will be assigned unless they are scheduled to work or meet the following criteria:
        - An officer that is on approved time off that was submitted prior to the additional duty posting will not be responsible for finding his/her replacement. The next person on forced overtime list will be responsible for the assignment.
        - An officer cannot sign up or be forced overtime for an event if it conflicts with him/her being off for less than nine (9) hours between their next scheduled shift.
- The employer will attempt to give, but not guarantee, seven (7) days' notice of forced overtime.
- It is the responsibility of the assigned officer to complete the assignment or find his/her replacement.
- Once an officer completes a forced assignment, he/she reverts to the bottom of the list and will not be assigned until all other officers on the list have been required to fill an assignment.
- If a replacement is found, the officer originally assigned will retain their position on the forced overtime list. The officer filling the request will be considered to have completed a forced overtime assignment.
- If an additional duty assignment is canceled within 48 hours of the scheduled event, the officer will be compensated (3) hours pay at one and one-half (1 ½) time the employee's base rate.
- If an officer(s) arrives at the event and is told the event is canceled or shortened, he/she will be compensated for the scheduled time.
- Modifications may occur to the rules based upon the needs of the City and Department.

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Occupational Disease, Personal Injury and Death Reporting

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, personal injuries and deaths.

1022.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 176.011):

Occupational disease – A mental impairment or physical disease arising out of and in the course of employment peculiar to the occupation in which the member is engaged and due to causes in excess of the hazards ordinary of employment. The term includes diagnosis of post-traumatic stress disorder (PTSD) by a psychiatrist, psychologist, or psychiatric mental health nurse practitioner; however, mental impairment is not considered a disease 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 Department (Minn. Stat. § 176.011 Subd. 15).

Personal injury – Any mental impairment or physical injury arising out of and in the course of employment, including personal injury caused by occupational disease, while engaged in, on, or about the premises where the member's services require the member's presence as 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 department member who intended to injure the member because of personal reasons, and not directed against the member as a member of the St. Louis Park Police Department or because of the employment with the St. Louis Park Police Department. Mental impairment is not considered a personal injury 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 Department.

1022.2 POLICY

The St. Louis Park Police Department will address occupational diseases, personal injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Minn. Stat. § 176.231).

1022.3 RESPONSIBILITIES

1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or personal injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

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1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or personal injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed (Minn. Stat. § 176.231 Subd. 1).

Supervisors shall determine whether the Major Incident Notification and Workplace Accident and Injury Reduction policies apply and take additional action as required.

1022.3.3 DIVISION COMMANDER RESPONSIBILITIES

The division Lieutenant who receives a report of an occupational disease, personal injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity/Human Resources and the Records Supervisor to ensure any required Minnesota Occupational Safety and Health Administration (MNOSHA) reporting is made as required in the illness and injury prevention plan identified in the Workplace Accident and Injury Reduction Policy.

1022.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and ensure copies of the report are forwarded to the Human Resources Division. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1022.4 OTHER DISEASE OR INJURY

Diseases, injuries or deaths caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

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Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer health safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception. Officers must be in compliance with the personal appearance standards policy during any in-uniform additional duty or overtime employment, regardless of their primary assignment.

Any deviations from these standards shall be for special assignment purposes only and must have the approval of the Chief of Police or designee. Any employee who does not meet the personal appearance standards will be required to take corrective action, which may include leaving work. Employees will not be compensated for any work time missed because of failure to comply with these standards. Violations of this policy may also result in disciplinary action.

1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male licensed members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female licensed members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.

Length and / or bulk of the hair shall not detract from the normal appearance of, all standard headgear and shall not interfere with the performance of assigned duties, including wearing respiratory protection.

1023.2.2 MUSTACHES

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

1023.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.2.4 BEARDS & GOATEES

A neatly groomed beard with mustache or goatee with mustache is allowed. Officers are required to be clean shaven for respiratory fit testing in accordance with policy 705.7.4, Respirator Fit

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Testing. Officers are required to keep a means to shave available at the workplace should the need arise to wear respiratory protection.

Beards shall be worn with a mustache and shall cover the complete jaw line. Cheeks shall be shaved on or above the cheekbone. The neck shall be clean shaved on or and below the Adam's Apple. Goatees shall be worn with a mustache. The cheeks, jaw line and neck shall remain clean shaven. The total length of facial hair must not extend beyond ¾ of an inch and must be uniform in length and appearance.

1023.2.5 FINGERNAILS

Fingernails shall be cleaned and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1023.2.6 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

1023.3 TATTOOS

It is prohibited to have a visible tattoo while on duty or representing the department in any capacity that may be considered racist, sexist, gang related, obscene, sexually explicit, vulgar, indecent, extremist, prejudicial or anti-American. The Chief of Police will make the final determination as to what is or is not considered offensive. Visible tattoos are not allowed on hands, neck or the face without prior authorization of the Chief of Police. Officers wishing to keep their tattoos private or who have tattoos that have been deemed offensive shall keep their tattoos covered by a department approved long-sleeved uniform shirt at all times while on duty in a uniformed assignment. When representing the department in a non-uniformed assignment where a tattoo has been directed or elected to be covered, department members will wear an appropriate long-sleeved business (casual) shirt in accordance with department policy.

1023.4 POLICY

St. Louis Park Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Department.

1023.5 APPEARANCE

1023.5.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety

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concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1023.5.2 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body visible while on-duty or while representing the St. Louis Park Police Department in any official capacity that is a deviation from normal anatomical features and not medically required is prohibited. Such body alteration includes but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification, or burning to create a design or pattern.

1023.5.3 DENTAL ORNAMENTATION

Dental ornamentation for decorative purposes that is not medically required is prohibited while on-duty or while representing the St. Louis Park Police Department in any official capacity. Such ornamentation includes but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum, or other veneers or caps used for decorative purposes.

(c) Orthodontic appliances that are colored for decorative purposes.

1023.5.4 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the St. Louis Park Police Department in any official capacity.

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1023.5.5 COSMETICS AND FRAGRANCES
Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

1023.6 RELIGIOUS ACCOMMODATION
The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

1023.7 EXEMPTIONS
Members who seek an exemption to this policy protected by law (e.g., culturally protective hairstyles) should generally be accommodated (Minn. Stat. § 363A.03). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with an exemption is denied an assignment based on a safety or security risk.

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Uniform Regulations

1024.1 PURPOSE AND SCOPE

The uniform policy of the St. Louis Park Police Department is established to ensure that uniformed officers, special assignment personnel and non- licensed employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Firearms
- Department Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The St. Louis Park Police Department will provide uniforms for all employees who are required to wear them, and provide dry-cleaning services for uniforms, if required in the respective employee group's collective bargaining agreement. The uniforms for officers of this department shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police 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) Issued uniform apparel and/or equipment shall not be modified without authorization of the Chief of Police or designee.

(c) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty. When on duty in uniform, a second set of required uniform apparel (shirt, pants, t-shirt or turtleneck) must be maintained and ready for wear in the event that uniform damage or contamination occurs

(d) Personnel shall wear only the uniform specified for their rank and assignment.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions, school presentations or events, as approved by the Chief of Police or designee.

(g) If the uniform is worn while in transit while driving a personal vehicle an outer garment should be worn over the uniform shirt so as not to bring attention to the employee while off-duty.

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(h) Employees are not to purchase or drink alcoholic beverages while wearing any distinguishable part of the Department uniform.

(i) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Chief of Police or designee.

1. Wrist watch.
2. Wedding ring(s), class ring or other ring of tasteful design.
3. Medical alert bracelet.
4. Earrings: **One set, post or stud type only, are permitted**. Earrings shall not extend below the bottom of the ear lobe or have loose or dangling parts. Plugs (used to enlarge the piercing holes in the ear lobes) are prohibited.

Required Police Officer Equipment: The department requires all officers to wear, or have immediately available, the following standard police equipment.

(a) **Uniformed Officers:**

1. Weapon, holster, belt
2. Ammunition carrier
3. Rounds of department issued ammunition
4. Ballistic safety vest
5. Flashlight and holder.
6. Handcuffs and case.
7. Chemical Aerosol
8. Contact Weapon and holder.
9. Conducted Energy Weapon (CEW)
10. Regulation Traffic Vest
11. Regulation trauma bandage and tourniquet.

(b) **Officers Assigned Investigations or other Plainclothes Duties:**

1. Handgun, holster, department issued ammunition, ammunition carrier.
2. Handcuffs.

1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-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 Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practicable.

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(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1024.2.2 BASIC REQUIRED DUTY UNIFORM ELEMENTS

(a) Hat:

1. The approved winter hat or watch cap may be worn during cold, snow, or inclement weather if authorized.
2. When the summer/campaign hat is worn, the cap badge shall be affixed through the eyelet provided for that purpose.

(b) T-Shirts, Turtlenecks, and Ties:

1. Ties are required for police funeral wear and preferred for court. Ties are not to be worn with a short sleeve shirt. An exposed t-shirt under an open uniform collar of the short sleeve uniform shirt will be black in color (no exceptions). T-shirt sleeves must be shorter than the sleeves of the shirt being worn. A black t-shirt or the approved mock turtleneck will be worn under a long sleeved uniform shirt with an open collar.

1024.2.3 OPTIONAL DUTY UNIFORM ELEMENTS

Baseball cap: Department members working patrols shifts or special events in uniform may wear the approved baseball cap. The baseball cap is for on-duty wear only and will be worn in the appropriate manner with the department logo/insignia facing forward. No additions, modifications, or alterations will be made to the cap. The baseball cap must be maintained in a presentable manner. Caps that are excessively worn, frayed, torn, or discolored may not be worn. The baseball cap may only be worn with the Class B and C uniforms.

1024.3 UNIFORM CLASSES

1024.3.1 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 to be ready for wear by all licensed personnel. The Class A uniform includes the standard issue uniform with:

(a) Campaign hat - if the event will be held outdoors.

(b) Long sleeve shirt with tie, department issued tie clip or pin.

(c) Approved flag patch may be worn.

(d) If no flag patch on shirt, service and/or merit pins may be worn.

(e) Uniform pants, preferably without cargo pockets.

(f) Basket weave pant belt with buckle.

(g) Carry a minimum of equipment: e.g., Handgun, magazine(s), and handcuffs.

(h) Polished shoes or boots.

(i) No outer vest carrier or load-bearing vest.

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(j) No radio shoulder microphone, no Taser.

(Photo of required Class A uniform appearance is below.)

An annual check/inspection will be conducted by supervisors to ensure all members have the required Class A uniform elements available and ready for wear.

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1024.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

1. **Officers appearing in court shall wear a long sleeve uniform shirt as part of the Class B uniform. An exterior vest carrier may be worn by officers appearing in court.**

(b) A black crew neck t-shirt or black mock turtleneck must be worn with the uniform. A black mock turtleneck may be worn only with the long sleeve shirt.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Polished shoes or boots.

1. Approved all black unpolished shoes/boots may be worn, but must be clean and in good condition.

(e) Boots with pointed toes are not permitted.

1024.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1024.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as SWAT, CNT, MFF, Bicycle Patrol, Range Officers, Trainers, and other specialized assignments.

1024.3.5 FOUL WEATHER GEAR
Authorized uniform jacket and rain gear will be designated by the Chief of Police or designee.

1024.4 INSIGNIA AND PATCHES

(a) Shoulder patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) Service stars - Service star pins may be worn above the right chest shirt pocket, above the officer's name.

(c) 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 initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

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(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) Assignment Insignias - Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police.

(f) Military Insignia – Officers who are veterans or active military may wear military insignias, (e.g., ARMY, NAVY, etc.) as designated by the Chief of Police.

(g) Flag pin or patch - An American flag patch of a size not to exceed 3 inches by 5 inches may be worn above the right front pocket using appropriate flag display etiquette (Minn. Stat. § 15.60).

(h) No more than two pins or insignia may be worn on an officer's uniform. These include service stars, assignment insignia, military insignia and flag pins. Pins should be of similar size and centered on the right chest pocket above the name plate.

(i) Badge - The Department-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. During tactical operations, department badges must be worn on the outermost garment.

1. Badges are issued by the Chief of Police and are assigned to the officer by number. They are to remain the property of the City of St. Louis Park. No member shall order a badge without having first submitted a written request to the Chief of Police and having received written permission to do so. The individually requested badge shall remain the property of the City of St. Louis Park.

(j) Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1. When in uniform, insignia denoting a **Deputy Chief** will be eagles on the shirt and jacket collar points.

2. When in uniform, insignia denoting a **Lieutenant** will be single gold bars on the shirt and jacket collar points.

3. When in uniform, insignia denoting a **Sergeant** will be chevrons on the shirt and jacket sleeves.

1024.4.1 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, and with approval of the Chief of Police or designee. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer 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 officer.

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(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or designee.

1024.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear business casual or business/professional attire. Business/professional attire or patrol uniform is approved for court for these personnel.

(c) Casual wear is permitted on Fridays, including jeans, but must meet all of the above standards for cleanliness, stains, damage, and condition.

(d) The following items shall not be worn on-duty:

1. T-shirt alone.
2. Baseball hats with civilian attire.
3. Thong or slide-style sandals.
4. Swimsuit, tube tops or halter tops.
5. Sheer or translucent spandex type pants or see-through clothing. Opaque leggings may be worn by members in civilian attire that present a professional appearance.
6. Distasteful printed slogans, buttons or pins.

(e) Variations from this order are allowed at the discretion of the Chief of Police 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 St. Louis Park Police Department or the morale of the employees.

1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, St. Louis Park Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a badge, patch or other official insignia of the Department, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the St. Louis Park Police Department 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.

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(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.

1024.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

St. Louis Park Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or designee.

St. Louis Park Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized by the Chief of Police or designee.

1024.8 TRAINING ATTIRE/UNIFORM

Individual types of training will dictate what clothing will be appropriate. Authorized clothing is as follows:

(a) For classroom or seminar type training taking place at the police station or at offsite locations, Department members will wear business casual attire or the uniform/attire consistent with their regular assignment. Hats, T-shirts, jeans, shorts, and/or open-toed shoes/sandals will not be worn.

(b) For defensive tactics, response to resistance, and firearms training, members will wear their issued training BDU-style pants. T-shirts and other functional tops may be worn as appropriate for the training and weather conditions.

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Police Explorers

1025.1 PURPOSE AND SCOPE

The purpose of Law Enforcement Exploring is to provide juveniles and young adults who may be interested in a career in law enforcement with a comprehensive volunteer experience, including training, competition, service and practical experiences. Character development, mental/physical wellness, good citizenship and patriotism are integral components of the overall program. Through their involvement in the program, Explorers develop an awareness of the purpose, mission and objectives of law enforcement agencies.

The mission of the St. Louis Park Police Department Explorers is to cultivate and develop interest of today's youth in law enforcement practices and the Explorer Code of Ethics; to promote self-confidence and responsibility; and to provide specific services to the community.

See also Law Enforcement Exploring Program Guidelines: http://www.exploring.org/wp-content/uploads/2015/12/LAW-ENFORCEMENT-EXPLORING-PROGRAM-GUIDELINES_2017.pdf

1025.2 EXPLORER POST REQUIREMENTS

Law Enforcement Exploring is open to juveniles/young adults ages 14 (and in their last semester of eighth grade), through 20. Eligibility standards include:

(a) A hold harmless and release form for both the agency and Learning for Life must be executed by the parents or legal guardian and/or the Explorer if of legal age to sign such a form.

(b) Must not have a prior conviction for a criminal offense or serious traffic offense.

(c) Must have and maintain a minimum of a 2.0 cumulative grade point average (GPA) in high school to remain in the Post.

(d) Must complete all required training within one year of appointment and the six-week introductory period.

(e) Must undergo a thorough background review to assess character and integrity that may include interviews with neighbors, teachers and employers.

(f) Must maintain physical fitness.

The advisory staff shall complete a background investigation on all applicants, in conjunction with the Exploring program/Learning for Life. The background will ensure the applicant meets the Explorer Post minimum program requirements. If a candidate fails to meet these requirements, the advisor should contact the candidate and family/parent to explain membership denial. Any candidate failing the background requirements may reapply for membership after a period of six months if they feel they now qualify for membership.

All new Explorers shall be in an introductory status for a minimum of six months upon their entry into the post. Introductory Explorers must attend all training sessions and meetings during this initial period, unless excused in advance by an Advisor. If an Introductory Explorer cannot

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complete required training as described, she/he must apply for an extension period in writing to the advisory staff, including their plan on completion of the required training.

1025.3 PROGRAM COORDINATOR

The Patrol Lieutenant will designate a Sergeant to serve as the Program Coordinator. The advisors, with oversight from the Program Coordinator, will be responsible for tracking the educational and job performance of explorers as well as making their individual assignments throughout the Department. The advisors, with oversight from the Program Coordinator, will also monitor the training provided for all explorers and review all decisions affecting assignments, school attendance and evaluations.

1025.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Explorer Program. These officers 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.

1025.4 EXPLORER ORGANIZATION AND STRUCTURE

The Explorer post chain of command is a framework for membership that follows a traditional rank structure of paramilitary organizations. It teaches Explorers responsibility, supervision and cooperation. The chain of command gives the post an efficient method for communication and authority to flow from the lowest rank upwards to the top levels.

(a) Explorer Captain

(b) Explorer Lieutenant

(c) Explorer Sergeant

(d) Explorer

(e) Introductory Explorer

1025.5 SCOPE OF ACTIVITIES

Typical types of patrol operations, calls for services and other law enforcement assistance that trained Explorers can provide with relatively minimal risk include, but are not limited to:

(a) Crime prevention services.

(b) Citizen tours of police facilities.

(c) Assistance with community/youth outreach programs under supervision from the advisor(s) or other designated officers.

(d) Agency information booth at career fairs and community events.

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(e) Assistance with organized searches for lost/missing persons.

(f) Traffic/crowd control at parades, festivals and other community events.

There are numerous police operations and procedures that must not intentionally involve Explorers due to the considerable potential for legal complications or risk inherent response. The law enforcement officer who is responsible for the Explorer must use his/her best professional judgment with respect to the safety and security of the Explorer and should never intentionally place an Explorer in a high risk or legally precarious situation. Such operations and procedures which and Explorer should not conduct include, but are not limited to:

(a) Conducting any type of arrests.

(b) Direct involvement with high-risk calls.

(c) Administer Breathalyzer/sobriety tests.

(d) Custodial interviews or interrogations.

(e) Traffic or foot pursuits.

(f) Searches & seizures (to include direct Explorer involvement in a routine stop and frisk).

(g) Conducting surveillance operations.

(h) Processing evidence or involved in the chain of custody of same.

(i) Field testing of narcotics or other controlled substances if such test is part of a criminal investigation.

(j) Handling, intake or transfer of persons taken into custody.

1025.6 EXPLORER SAFETY

The following provisions have been adopted to provide security for youth; in addition, they serve to maintain proper and appropriate boundaries between Explorers and Department employees. Adherence to these provisions not only enhances the protection of participants but also ensures the values of the Department are preserved.

(a) Two-deep leadership. Two Explorer Advisors are required on all trips and outings.

(b) No one-on-one contact. One-on-one contact between adults and participants is not permitted, except for authorized ride-along programs in Exploring. Personal conferences should be conducted in plain view of others.

(c) Respect of privacy. Adult leaders must respect the privacy of participants.

(d) Proper preparation for high-adventure activities. Activities with elements of risk should never be undertaken without proper preparation, equipment, supervision, and safety measures.

(e) Appropriate attire. Proper clothing for activities is required.

(f) Constructive discipline. Discipline in the Explorer Program should be constructive and reflect the program's underlying values.

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Law Enforcement Explorers (whether or not in uniform) are not permitted to drive marked police vehicles or other marked motorized police conveyances. The exception to this policy is when Explorers are participating in an authorized training program or competition and are under the direct, onsite, supervision of a law enforcement officer or Explorer Advisor/Coordinator. Explorers with valid drivers licenses may drive unmarked police vehicles to transport group members, with oversight by the advisor(s) and with authorization of the Chief of Police or designee.

1025.7 EXPLORER RIDE-ALONGS

The purpose of the Explorer Program is to provide comprehensive training, competition, service, practical, and recreational experience for young adults interested in a career in law enforcement or a related field. Toward that end, the objectives of the Ride-Along program are to offer qualified Explorers the opportunity to accompany a police officer on patrol to observe and gain practical experience with regard to the methods and techniques used in patrol operations and related services. This program also provides Explorers with valuable knowledge of the challenges and benefits of patrol operations and a better understanding of the importance of police services. Explorer ride-along are restricted to those age 18 and older.

1025.8 DISCIPLINE AND DISMISSAL

Any Explorer, who fails to abide by these policies, or any other rule, policy, standard or expectation of the Department, may be disciplined or dismissed from the Explorer program in the sole discretion of the Department. Explorers who are dismissed from the program may submit a letter of appeal to the Patrol Lieutenant who oversees the Explorer Program, whose decision to uphold or overturn the dismissal, in consultation with the Chief of Police or designee, will be final and binding.

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Reserve Officers

1026.1 PURPOSE AND SCOPE

The St. Louis Park Police Department Reserve Unit was established to supplement and assist regular sworn police officers in some of their duties. This unit provides professional, volunteer reserve officers who can augment regular staffing levels for public events, snow emergencies, civilian patrol, traffic control, and other functions capable of being performed by a non-sworn Department member.

1026.2 SELECTION AND APPOINTMENT OF RESERVE OFFICERS

The St. Louis Park Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department. Selection will be based on the qualifications and procedures set out in the Volunteers policy.

All reserve officers are issued uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

All reserve officers shall stay current on required training and when reasonably possible receive the same quality professional development training given to other department members.

1026.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 10 hours per month, including a two-hour monthly meeting.

1026.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. Access to policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies. Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

1026.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or their designee.

1026.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to one or more Reserve Coordinators. The Reserve Coordinator(s) shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel

(b) Conducting reserve meetings

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(c) Establishing and maintaining a reserve call-out roster

(d) Maintaining and ensuring performance evaluations are completed, if required

(e) Monitoring individual reserve officer performance

(f) Monitoring overall Reserve Program

(g) Maintaining liaison with other agency Reserve Coordinators

1026.4 RESERVE OFFICER TRAINING

Each new reserve officer will be issued a Training Manual at the beginning of his/her Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the St. Louis Park Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. They shall also become proficient with those skills as set forth in the manual.

1026.4.1 RIDE-ALONG REQUESTS

The Reserve Coordinator should schedule ride-alongs for reserve officers. A ride request may be made through the Watch Commander if the Patrol Supervisor is unavailable. All requests to ride should be made with no less than 24 hours' notice prior to the beginning of the requested shift.

1026.5 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

1026.6 IDENTIFICATION AND UNIFORM

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be similar to that worn by a regular full-time officer, but will be easily distinguishable from a sworn officer's badge. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

1026.7 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander and Chief of Police. Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

1026.8 FIREARMS

No reserve officer will be permitted to carry a concealed firearm while on duty, other than to and from reserve duty, and only then when in possession of a valid carry permit. Firearms will not be brought into police facilities or possessed on the person of any reserve officer while on duty.

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1026.9 EMERGENCY CALLOUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

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Police Community Service Officer (CSO)-Cadets

1027.1 PURPOSE AND SCOPE

CSO-Cadets 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. For purposes of this policy the terms "CSO-Cadet(s)" and "Cadet(s)" are used interchangeably. Other Cadet duties may include code violations, parking enforcement, animal complaints, acquisition of certain department supplies, assistance with care and maintenance of department vehicles, department tours, operation of roadside speed monitoring equipment, assistance in the detention area, and writing of police reports. Cadets may also be assigned administrative, investigative, and patrol functions appropriate for their level of training and experience, with the approval of the Chief of Police or designee.

1027.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average for all courses taken. Cadet employment is limited to 48 months to allow completion of education while working as a cadet.

1027.3 PROGRAM COORDINATOR

The Admin. Sergeant will serve as the Program Coordinator, with oversight by the Administrative Lieutenant. The Program Coordinator will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. The Program Coordinator will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1027.4 ORIENTATION AND TRAINING

Newly appointed cadets 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 Cadet training program and materials. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1027.5 CSO-CADET UNIFORMS

Each CSO-Cadet will be provided uniforms meeting the required specifications.

1027.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur whenever possible to enhance the career development for each cadet. Department needs and concerns will take precedence over individual cadet considerations, with the final decision resting with the Admin. Lieutenant, Chief of Police, or designee.

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In general, senior cadets will be assigned to functions requiring more technical skill or responsibility, including training newly hired cadets and assisting the Investigative Division.

1027.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the RideAlong Program, provided Ride-Along standards are met, as approved by their supervisor and the appropriate command staff member. Applicable waivers must be signed in advance of the ride-along, if required. Cadets shall wear their uniform while participating in a ridealong.

1027.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed regularly. Cadets will be evaluated at least annually to assess their current job performance and their potential as police officers.

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Nepotism and Conflicting Relationships

1028.1 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 department. 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.

1028.1.1 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 Department 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 a Department 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.

1028.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department 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.

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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 Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department 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 department 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.

1028.2.1 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 other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her 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.

1028.2.2 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

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to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Department Badges

1029.1 PURPOSE AND SCOPE

The St. Louis Park Police Department badge and uniform patch as well as the likeness of these items and the name of the St. Louis Park Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1029.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1029.2.1 CIVILIAN PERSONNEL

Badges and Department identification cards issued to non- licensed personnel shall be clearly marked to reflect the position of the assigned employee (e.g. records, dispatcher).

(a) Non-licensed personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Non-licensed personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed officer.

1029.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement, or service in good standing of at least 10 years, employees may receive their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy. Release of the badge and identification is at the sole discretion of the Chief of Police.

1029.3 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.

Department badges are issued to all licensed employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department 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 Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

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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.

1029.4 USE OF BADGE LIKENESS BY EMPLOYEE GROUPS

The likeness of the Department badge/patch shall not be used without the express authorization of the Chief of Police.

The likeness of the Department badge/patch for endorsement of political candidates shall not be used without the express approval of the Chief of Police.

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Temporary Modified-Duty Assignments

1030.1 PURPOSE AND 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, City rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1030.2 POLICY

Subject to operational considerations, the St. Louis Park Police Department 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 Department with a productive employee during the temporary period.

1030.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Minnesota Human 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 St. Louis Park Police Department 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 Department. 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.

The Chief of Police 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 or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1030.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee, usually the Lieutenant or Deputy Chief, shall confer with the Human Resources Division or the City Attorney as appropriate, and work to facilitate the request.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Duty Sergeant or Division Commander, with notice to the Chief of Police.

Restrictions for Sworn Employees Working Temporary Modified-Duty Assignments: Sworn employees working on temporary modified-duty assignments will report in appropriate civilian attire and will not be armed. Sworn employees on temporary modified-duty assignments shall not respond to radio calls. Sworn employees on temporary modified-duty assignments shall not involve themselves in any situation which might expose them to further injury or hinder recovery / rehabilitation efforts. Department training, including defensive tactics, use of force, SWAT, WMD team, firearms, emergency vehicle operations, and any others designated by the Chief of Police will not be attended by members on temporary modified duty assignments. If transportation is necessary during an temporary modified-duty assignment, the sworn employee shall request the use of an unmarked car and should avoid driving or riding in marked squad cars whenever possible. Sworn employees on temporary modified-duty status shall not work regular patrol shifts or department approved additional duty jobs without written permission from the Chief of Police or designee.

1030.5 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 department operations and the employee’s medical appointments, as mutually agreed upon with the Division Commander.

1030.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

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(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 status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1030.5.2 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) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1030.6 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 Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1030.7 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.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Minn. Stat. § 181.939; Minn. Stat. § 363A.08).

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1030.7.1 NOTIFICATION

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 City's personnel rules and regulations regarding family and medical care leave.

1030.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1030.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Speech, Expression, and Social Networking

1031.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the St. Louis Park Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1031.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the St. Louis Park Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1031.3 SAFETY

Members 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 St. Louis Park Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

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- Otherwise disclosing where another officer can be located off-duty.

1031.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the St. Louis Park Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation 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 member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, 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 members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the St. Louis Park Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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Members 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).

1031.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the St. Louis Park Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(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, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the St. Louis Park Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1031.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1031.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

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(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1031.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

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POST Licensing

1032.1 PURPOSE AND SCOPE

Maintaining a valid POST license is a critical element of an officer's ability to continue their employment and is their sole professional responsibility. Every officer and any appointed part-time officer is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900; Minn. R. 6700.1000).

1032.2 RENEWAL SCHEDULE

Any officer whose license expires is not authorized to work as a peace officer until the license status is valid. Officers renew their POST licenses according to a schedule established by Administrative Rule (Minn. R. 6700.1000).

1032.2.1 LICENSE RENEWAL CREDITS

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the POST board proof 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 continuing credit are (Minn. R. 6700.1000, Subd. 3):

- 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

1032.3 LICENSE PROCESS

A recommended schedule for the license renewal process is:

- February - The Department or officer will receive employment verification.
- March - The Department or officers 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 officers whose license expires will no longer be authorized to practice law enforcement or carry a firearm.

1032.4 INACTIVE LICENSE

Officers 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.

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Workplace Accident and Injury Reduction

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the St. Louis Park Police Department, in accordance with the requirements of Minn. Stat. § 182.653.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1033.2 POLICY

The St. Louis Park Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain a Workplace Accident and Injury Reduction (AWAIR) program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1033.3 A WORKPLACE ACCIDENT AND INJURY REDUCTION PROGRAM

The Chief of Police or designee, in conjunction with other city leaders and departments, is responsible for developing an AWAIR program that shall include:

(a) Workplace safety and health training programs.

(b) Safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will (Minn. Stat. § 182.676; Minn. R. 5208.0010 et seq.):

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet applicable standards.

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(f) Establishing a process to ensure illnesses and injuries are reported as required under Minnesota Occupational Safety and Health Administration (MNOSHA) (29 CFR 1904.39; Minn. Stat. § 182.674; Minn. R. 5205.0010).

(g) Descriptions of the following (Minn. Stat. § 182.653):

1. How managers, supervisors and members are responsible for implementing the program and how continued participation of management will be established, measured and maintained
2. The methods used to identify, analyze and control new or existing hazards, conditions and operations
3. How the plan will be communicated to all affected members so that they are informed of work-related hazards and controls
4. How workplace accidents will be investigated and corrective action implemented
5. How safe work practices and rules will be enforced

The Chief of Police or designee must conduct and document a review of the AWAIR program at least annually and document how the program procedures are applied (Minn. Stat. § 182.653).

1033.3.1 SAFETY AND HEALTH COMMITTEE

The committee's purpose is to assist in the implementation of the AWAIR program and to bring workplace safety concerns or complaints to the attention of the department administration and city leadership. Members of the committee must be selected by department members (Minn. Stat. § 182.676).

Duties of the committee may include (Minn. R. 5208.0050):

(a) Reviewing and making recommendations related to AWAIR.

(b) Identifying training for members about AWAIR and safe working procedures.

(c) Identifying the hazards associated with a particular task or job.

(d) Providing input regarding new workplace safety rules.

(e)

(f) Reviewing and making recommendations for incidents involving work-related deaths, injuries and illnesses. This may take place at department staff meetings.

1033.4 CHIEF OF POLICE RESPONSIBILITIES

The AWAIR-related responsibilities of the Chief of Police or designee nclude but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.

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2. Regular member review of the AWAIR program.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Informing members of the AWAIR guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Bloodborne pathogen precautions (29 CFR 1910.1030; Minn. Stat. § 182.6555; Minn. R. 5206.0600)
   (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy) (29 CFR 1910.134; Minn. R. 5205.0010)
   (c) Appropriate barriers in law enforcement vehicles (Minn. R. 5205.0755)
   (d) Emergency Action Plan (29 CFR 1910.38(a); Minn. R. 5205.0010)
   (e) Walk-Working Surfaces (Minn. R. 5205.0010; 29 CFR 1910.21 et seq.)
   (f) Personal Fall Protection Systems (Minn. R. 5205.0010; 29 CFR 1910.140)

(e) Making available a form to document individual incidents or accidents.

(f) Making available a form or system to document the safety and health training of each member. This will include the member's name or other identifier, training dates, type of training, and training providers.

(g) Conducting and documenting a regular review of the illness and injury prevention plan.

1033.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with AWAIR guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Division Commander.

(e) Notifying the Chief of Police or designee when:

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1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1033.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration Division Commander via the chain of command.

The Administration Division Commander will take appropriate action to ensure the AWAIR program addresses potential hazards upon such notification.

1033.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A checklist or similar system should be used for documentation and to ensure a thorough assessment of the work environment.

Appropriate documentation should be completed for each inspection.

1033.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete any required form if an unsafe condition cannot be immediately corrected and/or notify their supervisors.

1033.7.2 FREQUENCY OF INSPECTIONS

Safety inspections shall be conducted at least quarterly (Minn. R. 5208.0040).

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1033.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that any required investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible (if photos or descriptions of the scene are not sufficient).

(b) Any necessary interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Any corrective action needed to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease, Personal Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1033.9 TRAINING

The Chief of Police or designee should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

(f) Annually for training related to infectious agents and hazardous substances as required by MNOSHA (Minn. Stat. § 182.653).

1033.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

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(b) Use of respiratory equipment.

(c) Provisions for medical services and first aid.

(d) Handling of bloodborne pathogens and other biological hazards.

(e) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(f) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(g) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(h) Proper lifting techniques.

(i) Avoidance of slips and falls.

(j) Good housekeeping and fire prevention.

(k) Other job-specific safety concerns.

1033.10 RECORDS

Records and training documentation relating to the AWAIR program will be maintained in accordance with the established records retention schedule.

All safety and health committee recommendations and reports shall be kept for two years. The reports shall be made available to the Minnesota Department of Labor and Industry upon request (Minn. R. 5208.0050).

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Line-of-Duty Deaths

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the St. Louis Park Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1034.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1034.2 POLICY

It is the policy of the St. Louis Park Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1034.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member’s supervisor should provide all reasonably available information to the Watch Commander and/or Chief's designee and Dispatch.

  (a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Communications and Marketing Manager section of this policy).

(b) The Duty Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Duty Sergeant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1034.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Duty Sergeant, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting child care or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other St. Louis Park Police Department members may be apprised that survivor notifications are complete.

1034.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1034.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1034.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Wellness Support Liaison.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1034.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-staff.

(g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1034.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or St. Louis Park Police Department members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1034.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

(h) Coordinating with the department's Communications and Marketing Manager (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Communications and Marketing Manager section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1034.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.

2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.

(c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1034.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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1034.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many St. Louis Park Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1034.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease, Personal Injury and Death Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Survivor benefits (Minn. Stat. § 353.657).
2. Disability survivor benefits (Minn. Stat. § 353.656).
3. Continued health insurance coverage benefit (Minn. Stat. § 299A.465).
4. Death benefit (Minn. Stat. § 299A.44).
5. Education benefit (Minn. Stat. § 299A.45).

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

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(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1034.7 COMMUNICATIONS AND MARKETING MANAGER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Instruct department members to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

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1034.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1034.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy, and other policy provisions in this manual addressing critical incidents.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1034.10 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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Wellness Program

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information related to member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1035.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1035.2 POLICY

It is the policy of the St. Louis Park Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1035.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Human Resources Division, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) Developing management and operational procedures for department peer support members, such as:

1. Peer support member selection and retention.
2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support members and those seeking service.
5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This is administered by the City Human Resources department in St. Louis Park and responsibility and human resources personnel assistance to the police department includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

(g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).

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1. The coordinator should work with appropriate Department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1035.4 DEPARTMENT PEER SUPPORT

Purpose and Mission: The Peer Support program is committed to enhancing resiliency of staff by educating, influencing and assisting staff to invest in themselves to ensure stability and longevity in their personal and professional lives. The Peer Support Team (PST) will develop and support sustainable programs to impact officer wellness and longevity.

The mission of the PST is to offer safe, non-judgmental and private assistance to all consortium agency employees in times of personal need or due to the unique experiences of this career. The PST works to provide proactive support to peers to enhance overall employee well-being, including mental, physical, social, and spiritual wellness. The PST does not replace psychological treatment but can facilitate pathways to professional help through the city Employee Assistance Program (EAP). PST members may provide additional support during traumatic events and critical incidents with the guidance of approved mental health professionals, which may be agency specific.

1035.4.1 DEFINITIONS

(a) Peer support team:

1. A team lead by a Peer Support Sergeant or other first line supervisor and staffed by trained members of the police department who provide support to police department and consortium members.
2. Peer Support Team members are not counselors or therapists.
3. May provide day-to-day support, referrals to mental health professional(s), provide support during traumatic events and critical incidents, augment Employee Assistance Programs (EAP) and other outreach programs that support staff wellbeing.
4. The Peer Support Team members and approved mental health providers shall not conduct fitness for duty evaluations.

(b) Consortium:

1. The Peer Support Team Consortium consists of the Eden Prairie, Edina, Hopkins, Minnetonka, and St. Louis Park police departments.

(c) Approved Metal Health Professional:

1. A licensed mental healthcare provider who has undergone the approval process with the police department and has established a current contract with the police department.
2. The mental health providers shall not conduct fitness for duty evaluations.

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3. A list of current contracted mental healthcare providers will be maintained by the Support Sergeant or assigned team administrator from each consortium agency if applicable.
4. The approved mental health professional's role within the Peer Support Team will be determined by each agency.

1035.4.2 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1035.4.3 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

(a) Providing pre- and post-critical incident support.

(b) Presenting department members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1035.4.4 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1035.4.5 PEER SUPPORT ADMINISTRATION AND GUIDELINES

(a) **ADMINISTRATION**:

1. Peer Support Sergeant or other first line supervisor will be the highest rank held by an agency's Peer Support Team.
2. Anonymous statistical information may be recorded regarding utilization of peer support and may be collected by the peer support committee for the consortium. Information that could identify staff members shall not be collected.

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3. Peer Support Team members are selected by a process determined by each agency and report to the Peer Support Sergeant or first line supervisor of their respective department.
4. When cross agency peer-to-peer support is provided and further resources are needed or requested, staff should be referred to their city's or agency's EAP, approved mental health professional, or resourced list of mental health professionals approved by the consortium coordinator's group.

(b) **OPERATIONAL GUIDELINES:**

1. Peer Support Team members will be available to provide support, guidance, and resources to any police department staff in need. Members of the Peer Support Team are not mental health professionals, but specially trained to provide support to fellow members of the police department.
2. Any staff of the department may be referred to the PST in a number of ways including:
   (a) Self-referral: Any staff of the police department may seek PST services.
   (b) Supervisor-referral: A member of the police department may be referred to the PST by a supervisor or peer. The department member is under no obligation to contact the PST based on this suggestion.
3. It is recommended that the PST member caution staff involved in Internal Affairs Investigations about sharing information about an investigation or incident during peer-to peer counseling.
4. Staff involved in active Critical Incident or Internal Affairs Investigations should not seek out peer support outside of their agency's peer support Peer Support Team. Staff involved in active Critical Incident or Internal Affairs Investigation may utilize the support services of their City EAP programs or the approved mental health professional if available.
5. Peer Support Team members will be provided with an optional leave of absence from the Peer Support Team when personal issue or obligations require it. The length of leave is up to each individual agency.

1035.5 CRITICAL INCIDENT STRESS DEBRIEFINGS AND CONFIDENTIAL COMMUNICATIONS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

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Attendance at the debriefing should only include peer support members, peer support counselors, and/or critical incident stress management team members, and those directly involved in the incident.

Members who witness a critical incident are prohibited from providing critical incident stress management services at a debriefing about an incident that they witnessed (Minn. Stat. § 181.9732).

1035.5.1 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS

Communications with critical incident stress management team members are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9732. A critical incident stress management team member is an individual who is designated by the Department and trained to provide critical incident stress management services (Minn. Stat. § 181.9732).

1035.5.2 PEER SUPPORT COMMUNICATIONS

Communications with peer support are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9731. A peer support counselor is an individual who is designated by the Department and trained to provide peer counseling services (Minn. Stat. § 181.9731). Exceptions to the above:

(a) the peer support counselor reasonably believes the disclosure is necessary to prevent harm to self by the person in receipt of public safety peer counseling or to prevent the person from harming another person, provided the disclosure is only for the purpose of preventing the person from harming self or others and limited to information necessary to prevent such harm

(b) the person receiving public safety peer counseling discloses information that is required to be reported under the mandated reporting laws, including, but not limited to the reporting of maltreatment of minors under section 626.556 and the reporting of maltreatment of vulnerable adults under section 626.557, provided the disclosure is only for the purpose of reporting maltreatment and limited to information necessary to make such a report;

(c) the person who received public safety peer counseling provides written consent authorizing disclosure of the information;

(d) the emergency service provider who received public safety peer counseling is deceased and the surviving spouse or administrator of the estate of the deceased emergency service provider gives written consent authorizing disclosure of the information; or

(e) the emergency service provider who received public safety peer counseling voluntarily testifies; in which case the peer support counselor may be compelled to testify on the same subject.

Due to the sensitive nature of information shared, Peer Support Team members will sign a confidentiality agreement when assigned to the Peer Support Team and may be dismissed from the peer support role for any breach of the confidentiality agreement, behavior that violates trust,

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agency policy violations that would violate trust, failure to attend training or loss of good standing with their agency.

1035.6 MENTAL HEALTH CHECK-INS

This confidential police department program provides employees access to a qualified mental health professional specifically contracted by our agency to provide individualized one-on-one consultation. This program is mandatory for all department personnel. Staff may elect to see the in-house consultant while on-duty or see a qualified mental health professional of their choosing at their own expense. Staff seeking to visit a mental health professional of their own choosing may do so while on-duty (staffing levels permitting) or off-duty with no compensation. The consultant will also provide training to our department to promote the psychological and emotional health of our personnel. The consultant will also respond when requested to defined critical incidents to offer support and services.

1035.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, that may include the following:

(a) Voluntary participation by members

(b) Allowable physical fitness activities

(c) Permitted times and locations for physical fitness activities

(d) Acceptable use of department-provided physical fitness facilities and equipment

(e) Individual health screening and fitness assessment

(f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting

(g) Standards for fitness incentive programs. Collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.

(h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)

(i) Ongoing support and evaluation

1035.7.1 FITNESS CENTER AND WORKOUTS

(a) **Introduction:** The expectation of the St. Louis Park Police Department and the community is that police department employees that are expected to offer extraordinary protection and superior service are physically and mentally fit to perform this goal. To ensure the health and wellbeing of our employees the St. Louis Park Police Department offers a voluntary health and fitness program that incorporates regular exercise and the overall choice of a healthy lifestyle along with mandated mental health consultations.

(b) **Purpose:** The City has provided exercise equipment for employee use in the St Louis Park Police Department. The use of this equipment is a privilege that can be revoked at any time for a violation of this policy. The facility can be closed and all rights of

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use revoked at any time and for any reason by the Chief of Police. The facility and equipment therein is being made available for use by employees at their own risk to assist personal pursuits of wellness and physical fitness.

(c) **Eligibility for use:** Open to all regular, benefit-earning, full and part-time employees of the St Louis Park Police Department (including CSO's, clerical staff, dispatch and reserves), and employees with the City of St. Louis Park that are CJIS certified. Employees on temporary modified duty assignments must have written authorization from the Chief of Police or designee before using the fitness center.

1035.7.2 FITNESS CENTER POLICY

Benefit-earning Staff, Police Cadets, Police Trainees, Police Reserves will become eligible for use of the facility and equipment after a waiver of liability is signed and placed on file with Human Resources. You must complete an orientation on the equipment prior to use. The orientation can be completed by a designated officer.

(a) The facility is available for use by authorized personnel 24 hours per day, 365 days per year. The City's Police Chief or designee has authority to administer the facility, oversee its use, enforce rules and resolved disputes over use.

(b) No authorized user may allow guests into the facility. Access is strictly limited to persons defined in this policy above.

(c) No person may monopolize a particular piece of equipment for an unreasonable length of time, or reserve equipment for future use.

(d) All disputes over the use of the facility or equipment must be directed to the Chief of Police or designee.

(e) When on the premises of the facility or while using the equipment, all users must abide by the policies contained in the City's Personnel Manual.

(f) All personnel must report any observed equipment maintenance or malfunction problems promptly to the Chief of Police or designee. If the equipment problem poses a risk of injury it should be reported immediately to the duty Sergeant to be taken out of service.

(g) All personnel must clean equipment promptly after use with provided cleaning material.

(h) All personnel utilizing the workout facility must return the equipment they are using to its designated storage area once they are done using it (example: putting dumbbells back on the storage rack).

(i) All personnel must at all times, while in the workout facility, wear proper attire. This includes athletic shoes and shirt. No clothing with offensive language or pictures will be allowed in the workout facility.

(j) All personnel must at all times maintain a reasonable level of volume (including audio devices and verbal noise) as to not disturb other personnel utilizing the facility. Any disputes regarding another person's level of volume should be reported to the Sergeant on duty. Headphones are expected to be utilized for personal audio devices.

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1035.7.3 WORKOUT ON-DUTY POLICY

Officers are permitted to utilize the department's workout facility while on duty. An officer's ability to utilize the department's workout facility may be revoked at any time by the Chief of Police, or designee, if found that an officer is abusing the privilege or not adhering to the policy as described below.

(a) Officers are allowed to exercise not to exceed a period of time greater than 60 minutes in a single shift. This time is to include the doffing and donning of their uniform and/ or the use of the showering facility

(b) Officers must notify dispatch and the sergeant on duty for approval prior to doffing their patrol uniform to utilize the workout facility while on duty.

(c) Officers must notify dispatch and the sergeant on duty immediately after they don their uniform after using the workout facility.

(d) Officers are required to monitor their portable radios while utilizing the workout facility while on duty.

(e) Sergeants are responsible for monitoring and coordinating exercise times for their shift, however individual officers should use appropriate discretion and return to duty during an unexpected significant call or call load without delay or direction from their supervisor.

(f) Officers are required to return to their patrol duties immediately if advised to do so by their sergeant. This decision by the sergeant on duty will be based upon pending calls for service, staffing levels, etc.

(g) On duty workouts may not be conducted at a commercially operated gym or fitness facility.

(h) An officer will not be allowed to utilize the workout facility while on duty more than two times in a single work rotation/work week.

(i) Any officer who chooses to utilize the workout facility while on duty may not do so during established roll call meetings.

(j) If an officer chooses to work out on duty, the time must be spent actively exercising (weight lifting, cardiovascular exercises, body weight exercises, or yoga/stretching).

(k) If it is found that an officer is not utilizing this time to exercise (watching television, excessive use of cell phone, etc.) their ability to utilize the workout facility while on duty may be revoked. Suggested workout routines will be posted in the workout facility.

(l) In order for an officer to utilize the workout facility while on duty, they must have a signed a liability waiver on file. They must also have completed an orientation on the equipment's proper use. The orientation can be completed by an authorized officer trained in the equipment's proper use. A list of orientation officers is posted in the workout facility.

1035.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and may prepare a report summarizing the findings, if requested

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by the Chief of Police. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit report to the Chief of Police for review and consideration of updates to improve program effectiveness.

1035.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide Prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

The above training examples may also be procvided in conjunction with the Department's mental health workgroup and/or social worker. Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

1035.9.1 ADDITIONAL WELLNESS TRAINING FOR OFFICERS

Officers shall complete in-service wellness training approved by POST as provided in Minn. Stat. § 626.8478.

The Chief of Police shall ensure that wellness training records are maintained in compliance with Minn. Stat. § 626.8478 and are made available as requested by POST (Minn. Stat. § 626.8478).

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Retirement Recognition

1036.1 POLICY PURPOSE

To establish guidelines and standards for recognizing officers that are retiring from the Police Department.

1036.2 POLICY

The standards and guidelines for recognizing an officer in good standing who has retired from our organization as follows:

(a) An officer (or their family, if necessary) may receive their police badge when they have a total of 10 years of law enforcement experience as an officer, or fewer iif they are injured on duty or died in the line of duty.

(b) At a total of 15 years of law enforcement experience as an officer, the officer will receive a recognition plaque approved by the chief of police.

(c) At a total of 20 years of law enforcement experience as an officer, the officer will receive a recognition plaque and shadow box approved by the chief of police.

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Chapter 11 - Dispatch

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Dispatch

1100.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

1100.2 POLICY

It is the policy of the St. Louis Park Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

1100.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority-- security procedures should be established.

Access to Dispatch shall be limited to Dispatch members, the Duty Sergeant, command staff and department members with a specific business-related purpose.

1100.3.1 PERSONNEL RESTRICTIONS

The Communications Center is a workspace for dispatchers and other personnel having business in the Communications Center, such as paperwork exchange or relief of dispatch Personnel. Other personnel will limit the amount of time they spend in the Communications Center to that necessary to accomplish their official duties.

1100.4 RESPONSIBILITIES

1100.4.1 ADMINISTRATIVE LIEUTENANT

The Chief of Police shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to Administrative Lieutenant.

The responsibilities of the Dispatch Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records, in conjunction with the lead dispatcher and/or dispatch supervisor.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of Dispatch information for release.

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(f) Maintaining Dispatch database systems.

(g) Maintaining and updating Dispatch policy and procedures manual.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

1100.4.2 ADDITIONAL PROCEDURES

The Administrative Lieutenant should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Duty Sergeant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of patrol officers to calls and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).

(j) Handling misdirected, silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.

1100.4.3 DISPATCHERS

Dispatchers report to the Dispatch Supervisor.The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.
2. Business telephone lines.
3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

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4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (e.g., the Minnesota Division of Driver and Vehicle Services (DVS), the Minnesota Bureau of Criminal Apprehension (BCA) and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS)).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Duty Sergeant or field supervisor of emergency activity, including, but not limited to:

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

1100.5 BASIC CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

• Where?

• What?

• When?

• Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response.

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If no authorized interpreter is available in the dispatch center, or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

1100.5.1 EMERGENCY CALLS

An incoming call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Duty Sergeant shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

1100.5.2 NON-EMERGENCY CALLS

An incoming call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

1100.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor and/or Administrative Lieutenant shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be reported to the complainant's supervisor, investigated if necessary, and processed through the chain of command.

1100.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

St. Louis Park Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

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1100.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall respond on the radio and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign.

1100.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

1100.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as DVS records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

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1100.9 CPR TRAINING

Members authorized to answer calls for service shall be trained in providing either CPR by telephone or transferring calls to the appropriate member or agency (Minn. Stat. § 403.03, Subd. 2).

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Personnel Operations

1101.1 GENERAL PERSONNEL GUIDELINES

A. Purpose

1. To establish general day-to-day personnel guidelines related to the Dispatch Center. These policies apply to all public safety dispatch employees.

B. Policy

1. All public safety dispatchers shall be familiar with and adhere to the general personnel guidelines established by the department including reporting for duty, approval and documentation of all absences, leaving assignment, neglect of duty, meals/breaks, use of personal electronics and personal communications, and general rules of conduct.

C. Procedure

1. **REPORTING FOR DUTY:**

(a) Dispatchers shall report for duty at the time and place required by assignment ororders and shall be physically and mentally fit to perform their duties. On time means a dispatcher is fully briefed, logged into any relevant computer terminal and systems, and prepared to assume responsibility for their position at the scheduled start time of their shift, as well as allow for an on-time departure for any staff being relieved.At no time shall there be a dispatcher/console that is not logged into the system due to officer safety and service delivery concerns, not to include technology issues or system outage related problems occurring which would otherwise prevent compliance herein. Dispatchers ending their shift shall ensure that those personnel relieving them are fully briefed and knowledgeable of any issues that will carryover.If for any reason a dispatcher is unable to meet the standards as described within the Reporting For Duty requirements, this shall be immediately communicated to the Duty Sergeant/shift supervisor, or as soon as reasonably possible.Court notification shall constitute an order to report for duty under this section.Exempt and nonexempt civilian personnel shall adhere to work schedules and hours as determined by the Chief of Police or designee.

2. **UNPLANNED FLEX LEAVE (ILLNESS):**

(a) Dispatchers who are unable to report for their duty assignment by reason of illness, injury, emergency, or any other unplanned event shall notify the duty sergeant/shift supervisor and dispatch supervisor at the earliest time possible so that alternative staffing may be arranged.

3. **PRETENDED ILLNESS OR FALSE INJURY REPORTS:**

(a) Dispatchers shall not feign illness or injury, falsely report themselves ill or injured, or otherwise misrepresent to the department the condition of their health.

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(b) Dispatchers on flex leave for reason of illness or injury shall not engage in other employment or activities inconsistent with such flex leave without the express written permission of the Chief of Police.

(c) Dispatchers on flex leave for reason of illness or injury may be required to provide additional documentation or medical certification upon request.

4. **LEAVING ASSIGNMENT:**

(a) Dispatchers shall only leave their assigned duty in accordance with established departmental procedures, or when authorized by the duty sergeant/shift supervisor prior to leaving an assignment.This shall include leaving the building for any reason, or prolonged breaks (including meals) longer than those specified within the union contract.NEGLECT OF DUTY:

5. **NEGLECT OF DUTY**

(a) Dispatchers shall not engage in any activities while on duty which would tend to result in the member being negligent or inattentive to their official duties.

(b) Dispatchers shall remain awake and alert while on duty. If unable to do so, they shall report to the duty sergeant/shift supervisor who shall determine the proper course of action.

6. **MEALS / BREAKS:**

(a) Dispatchers shall be permitted to suspend their assigned activity (subject to immediate call at all times) for the purpose of having meals during their shift in accordance with established procedures regulating duration and location.

(b) Under no circumstances will meals/breaks take precedence over assigned duties or calls for service.

(c) Each employee is allowed adequate time from work within their shift to utilize the nearest restroom.

(d) Breaks outside the police facility: When staffing is two dispatchers or more, one dispatcher may be allowed to leave the PSAP and/or police facility for up to two breaks per 11/12 hour shift. Breaks shall not exceed 15 minutes. The dispatcher on break will be subject to call and shall have a portable radio with them during their break. Dispatchers shall maintain a 2-minute response time back to the PSAP and remain on city property (City hall, police department, or surrounding park).

(e) When staffing is three dispatchers or more, break periods outside the facility shall be no longer than 30 minutes. Opportunities for a longer break are limited and should be fairly distributed. Breaks may not be combined or used during the last 30 minutes of a shift.

(f) Breaks outside the building will require the approval of the remaining dispatcher(s) and the Dispatch Supervisor – if present.

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7. **DOCUMENTING LEAVES OF ABSENCE/OVERTIME:**

   (a) All scheduled leaves of absence shall require documentation and prior approval through established departmental procedures.In the case of unscheduled leaves of absence requiring the dispatcher to make notification by phone to the duty sergeant/shift supervisor, the dispatch employee shall submit documentation for their absence upon their first day returning to work through established departmental procedures if not already completed by a supervisor.All other unscheduled leaves of absence to include illness during a shift, tardiness, flexing out early, planned or unplanned late arrivals, or any variation to a dispatcher's shift shall require either the prior approval of the duty sergeant/shift supervisor, dispatch supervisor, and/or the Lead Dispatcher when on duty.The unscheduled leave shall be documented through established departmental procedures prior to the dispatcher leaving so as to allow formal approval to be completed by the same supervisor granting the request.All documentation for overtime shifts worked should be completed at the conclusion of the overtime shift worked to allow for the approval by the duty sergeant/shift supervisor, and/or lead dispatcher working.

8. **USE OF PERSONAL ELECTRONICS & PERSONAL COMMUNICATIONS:**

   (a) Personal communications and use of personal electronic devices shall not interfere with the operations of the communications center. Used in this context, personal electronic devices are defined as: cell phones, pagers, Personal Digital Assistant (PDA), and computers.Personal phone calls should be kept to a minimum and occur away from the dispatch console when possible so as not to interfere with dispatch center operations.The volume of any device used should be kept reasonably low so as not to interfere with dispatch center operations or a co-worker.Personal communications and use of personal electronic devices shall not take place while police officers and/or firefighters are on active calls for service (including traffic stops) so as not to interfere with officer or firefighter safety as well as the department's mission and operating philosophy.

9. **GENERAL RULES OF CONDUCT:**

   (a) All Dispatch Center employees shall familiarize themselves with, and follow all rules, regulations, policies, and directives related to their assignment. Employees shall conduct themselves in a professional, courteous, respectful manner when dealing with co-workers, members of other departments, other City employees, other agency personnel, members of the public, and any other individuals that the position may come into contact with.Information shall be kept confidential.In addition:

   (b) Dispatch consoles and work spaces shall be kept clean and uncluttered.

   (c) Electronic and voice messages may be subject to review and subpoena, as such, all messages should be appropriate and professional.

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(d) Visitors shall not be permitted in the dispatch center without the prior approval of a department supervisor or the Lead Dispatcher and shall not interfere with dispatch center operations at any time.

1101.2 DRESS CODE

A. Purpose

1. To establish uniform dress standards for public safety dispatchers that are accordance with the mission and values of the St. Louis Park Police Department.

B. Policy

1. Approved uniform tops (shirts or sweaters) will be required attire while on duty for all public safety dispatchers and lead dispatchers.For shifts that begin at any time of the day or evening on Monday through Thursday, black, navy, or tan colored pants will be the required bottoms.Jeans will not be allowed for any shifts that begin at any time of the day or evening on Monday through Thursday.

2. For shifts that begin at any time of the day or evening on Friday through Sunday, jeans will be an acceptable alternative to the black, navy, or tan colored pants as required bottoms.

3. In accordance with Department Policy on dress standards for non-uniformed employees, public safety dispatchers must not wear tight or suggestive clothing, jeans, athletic wear, shorts, t-shirts, sweatshirts, baseball hats, or similar items that do not present a business / professional appearance.Clothing must not be ripped, disheveled, faded, frayed, tie dyed, or soiled. T-shirts, tight fitting, or suggestive clothing, sweatshirts, shorts, and athletic clothing are not permitted at any time.Any variation to the attire requirements detailed within this Dress Code Policy necessitate the prior approval of a supervisor.

1101.3 HEADSETS

A. Purpose

1. To establish uniformity with public safety dispatching equipment during all aspects of call answering, processing, and communication in furtherance of the department’s mission and values.This standard is meant to ensure the highest levels of clarity and quality in the receipt and transmission of all inbound and outbound communication in the dispatch center, the capture of all radio, phone, and other related electronic communication, and the reduction of missed or repeated transmissions among dispatchers and/or other end users.

B. Policy

1. All public safety dispatchers while on duty shall utilize an approved headset for the receipt, processing, and transmission of all telephone, radio, and other applicable electronic communications.Any variation to this policy requires the prior approval of a department supervisor.Any variation to the policy due to an equipment failure should be timely reported to the duty sergeant.

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Operational Standards

1102.1 GENERAL CALL GATHERING STANDARDS

A. Purpose

1. To establish standards for general dispatch call answering and information collection, and the subsequent dissemination to police/fire personnel responding to calls for service.

B. Policy

1. Public Safety Dispatchers must be trained and demonstrate proficiency as well as consistency in answering calls received into the dispatch center. Dispatchers will adhere to the procedures pertaining to the general answering and collection of information for police/fire calls for service.

C. Procedure

1. **General Guidelines**

   (a) The information gathered below shall be aired and entered into a CFS promptly, including a summary of the call.

2. **Exception**:

   (a) While taking emergency calls for service that are active and developing, the dispatcher should weigh gathering and disseminating critical elements of the call versus the lesser priority of completing the CFS information entry.

   (b) Dispatcher may elect to air or not air all underlined information shown below, all other information shall be aired when feasible.

3. **Initial Contact**

   (a) What is the address of your emergency (including unit, business name)?

   (b) Who is the caller and what's their call back number?

   (c) What is your emergency / what would you like to report?

   (d) Are any weapons involved?

   (e) Do you need an ambulance and why (number of victims)?

   (f) Where is the caller?

   (g) When did it occur?

4. *If the dispatcher feels suspicious about a caller, noted concerns shall be aired to first responders, including the need for PPE equipment (caller is evasive, uncooperative, hostile, anonymous, and/or infectious diseases may be present although specific ailments should not be aired over the radio).*

5. **Additional Callers/Witnesses**

   (a) What is your first and last name and phone number?

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(b) What is your location?

6. **Vehicle Information**

(a) What type of vehicle (make, model, year and color)?

(b) What is the license plate including state (run in NCIC and air relevant information)?

(c) What was the direction of travel?

(d) What is the description of driver/occupants

(e) When was it last seen?

(f) Are you following the vehicle, and if so what type of vehicle are you in?

7. **Suspect Information**

(a) If weapons are involved, does the suspect(s) still have a weapon (what kind)?

(b) What is the description of the suspect (gender, race, age, height, weight, build, hair color)?

(c) What is the suspect(s) wearing? (top, bottoms, shoes, accessories)?

(d) What is the location of suspect(s) or direction of travel?

(e) Do you know the suspect(s) name and date of birth and relationship to the caller? (run in NCIC and air relevant information).

(f) Are there other descriptors (facial hair, tattoos, physical/ mental disabilities, under the influence of drugs/ alcohol)?

8. **Victim Information**

(a) Where is the victim(s) (address and phone number)?

(b) Do you know the victim (name and date of birth)?

(c) What is your relationship to the victim?

(d) What is the victim's description (gender, race, age and clothing)?

(e) What is the victim's current condition?

9. **Call History**

(a) Dispatcher shall check call history and relay pertinent information to dispatched units by radio as well as notes in CFS.

1102.2 9-1-1 CALLS

1. Purpose

1. To establish guidelines for answering 9-1-1 lines.

2. Policy

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1. Public Safety Dispatchers must be trained and demonstrate proficiency in dealing with emergency calls. Dispatchers will adhere to the procedures pertaining to processing emergency calls for service.

3. Procedure

1. **General Guidelines**

(a) All 9-1-1 line calls will take priority over calls coming in on the non-emergency line.

(b) All calls received in the Communications Center through the E-911 system, are followed up on (hang-up, abandoned, disconnects, etc.).

(c) Every 9-1-1 call that comes into the dispatch center will be documented unless meeting the parameters of a specific exception as documented within this policy.

(d) Multiple calls from the same phone number may be referenced in the same CFS, exclusive of special tracking/documentation for behavioral health-related calls..

(e) The priority is transmitting time sensitive information (officer safety, suspect information, etc.) to officers versus documenting notes into the call initially on priority calls for service that are active and developing. In these situations, the associative notes shall be entered as quickly as time permits to assist responding officers in an attempt to minimize repetitive radio traffic.

(f) While taking priority emergency calls for service that are active and developing, the dispatcher should weigh gathering and disseminating critical elements of the call versus the lesser priority of completing complainant information at the onset.

(g) Address history should be reviewed and information passed along to responding officers.

(h) Any situation where it is unclear to a dispatcher whether officers should be started to a location regarding a 9-1-1 call will be immediately discussed with the duty sergeant.

(i) All 9-1-1 calls received by the agency will be answered: "9-1-1, where is the emergency?"

2. **Documenting 9-1-1 Calls**

(a) The dispatcher shall create a CFS for ALL 9-1-1 open line, abandoned, or hang up calls from a landline or cell phone.(Exceptions to this standard are laid out below.)Dispatchers shall document in a CFS event with whom they spoke to, the reason 9-1-1 was dialed (e.g., nature of the call, accidental, misdial) and any other explanatory or "intuitive" observations discerned from the call. If the dispatcher has doubt as to the legitimacy of the caller's claim that 9-1-1 was inadvertently dialed, or that emergency services are

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not needed, officers should be dispatched to verify the caller is not in a threatening situation.

(b) Documenting 9-1-1 phone calls in a CFS adds to the historical data in CAD and will be helpful when receiving future calls from that same phone number.

(c) Examples of the limited exceptions to the need to create a CFS for all 9-1-1 calls received by the dispatch center typically fall under two scenarios, multiple callers reporting the same incident, and multiple nuisance calls from the same number. A typical scenario for multiple callers reporting the same incident where creating a CFS will be unnecessary is for traffic accidents. After the CFS has been created and subsequent callers to the same incident are adding no additional value, unique CFS's for those additional callers are not needed. Care should be taken to evaluate potential witnesses where an officer may wish to follow up with a caller.In this case, additional caller's information including first and last name and phone number should be added to the notes of the CFS that was created for the relevant incident and the responding officer made aware. This is particularly important during a major incident that will require extensive follow-up and investigation where a dispatcher should default to capturing and documenting caller information for all calls for service within the single CFS.

(d) The second most likely scenario where creating a unique CFS will be unnecessary are for repetitive calls from the same number that have been evaluated and determined to be nuisance related. An example of these types of calls are children playing, prank, or technical issues with a line. The initial CFS should be created and subsequent calls documented within that CFS. In this situation, two officers should be dispatched to an address or specific location when possible to help remedy the problem.

3. **ALI/ANI**

(a) Automatic Location Identification (ALI) automatically displays the caller's telephone number, the address or location of the telephone and the emergency services information which services the displayed caller location. It is important to remember that locations may change during a phone call, especially from callers using cellular phones.

(b) *Verification of all information is required to ensure a proper dispatching of response units.*

(c) Automatic Number Identification (ANI) is the phone number from which the caller is placing the 9-1-1 call. This number may be the caller's phone number, a business main switchboard number or a phone which cannot receive telephone calls. As with the ALI information, ANI information must be verified. Ensure that the caller can receive a callback if needed by verifying the phone number of the caller.

(d) Wireless Phase 1 and Wireless Phase 2:

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1. Wireless 9-1-1 calls route differently from landline phones, and different location information is provided. With wireless calls, there is no consistent name and address associated with the call. The caller may be moving, or the call may be routed to the nearest available cell tower which may not be close to the caller's actual location. With wireless calls, there are two services which gives an indication to the location of the caller.
2. Wireless phase 1 (WPH1) is the information related to the cell-tower itself. The 9-1-1 screen will provide the callback number and the identification of the cell tower itself. Calls are usually determined by cell sector.
3. A sector is a geographical area covered by a cell tower. Often the tower coverage is divided into two or three sectors; each sector has 9-1-1 routing determined by its coverage area. This means that the sectors may not be all routed to the same PSAP. For example: Sector A may predominately cover a city with its own PSAP. Callers from Sector A would be routed to the city PSAP. Sector B may primarily cover a state highway or the interstate. This call would be routed to the Minnesota State Patrol. Sector C may cover a rural area which is patrolled by the County Sheriff. This would be routed to the County PSAP. WPH1 was designed to very quickly route the caller to the PSAP most likely to handle the call. As with all calls, after verifying the caller's exact location a call transfer may be needed.
4. Wireless Phase 2 (WPH2) is much like WPH1, except with more features. In addition to receiving the cell tower information, the Public Safety Dispatcher will receive the location of the caller within a minimum of 125 meters (approximately 82 feet), 67% of the time, per FCC regulation. The caller location is displayed in latitude and longitude. If the PSAP has a mapping interface to the ALI, the map will show the approximate location of the caller. Please note: if the caller is in a large facility with multiple stories, it will not show which floor within the building the caller is located. Along with the approximate caller location, the call back number of the phone being used will also be provided.

(e) Public Safety Dispatchers can quickly ascertain if the caller is being routed by phase one or phase two by looking at the type of service found on the top of the ALI screen. Additionally, if a WPH2 call, the ALI screens will show the location in latitude and longitude with a certainty factor mid-screen. Whether the call the Public Safety Dispatcher receives is a WPH1 or WPH2, it is mandatory that the Public Safety Dispatcher verify with the caller the location of the emergency. At the bottom of the ALI screen, one will see the words, "Verify caller location and call back number." As a reminder, cell callers may be mobile. The location mapped may not be the most current information on the caller's location. Avoid a time delay by verifying all caller information.

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4. **Silent Calls**

   (a) A silent call is defined as "someone has dialed 9-1-1, the call has successfully passed through the 9-1-1 network and has been answered by a 9-1-1 operator. Aside from the 9-1-1 operator's voice, no voice communication is heard on the initiating caller's end of the emergency call."

   (b) In compliance with the Americans with Disabilities Act, all silent calls will be interrogated with a TDD/TTY to determine if the caller is attempting to report an emergency using a special communications device for hearing impaired individuals. Other indicators such as background noise, call history with the number, name listed, or an associated address shall be considered when evaluating the situation. If an address can be identified and/or reasonably accurate Phase II information, two squads will be dispatched to the address or area. The Public Safety Dispatcher shall at a minimum remain on the line until squads have arrived on scene or in the area. Continued engagement on the line may still be necessary beyond this as dictated by the situation. A CFS will be created for all Silent Calls.

5. **9-1-1 Calls With an Open Line**

   (a) Calls with an open line will be handled in a similar manner as silent calls.

6. **Landline 9-1-1 Calls**

   (a) Hang-up calls

      1. If the dispatcher receives a 9-1-1 hang up call from a landline phone, the dispatcher will attempt to call the number back. If the dispatcher is unable to make contact, send two officers and check the address in-house for prior history. Relay relevant information to officers.

      2. If there is an answer, identify yourself and ask if there is a problem or an emergency. Whether any units are dispatched will depend upon the conversation between you and the person that answers the phone along with any call history at that location or with persons involved. Dispatchers should pay close attention to background noise, tone, and word choice of the caller as they may elicit additional clues in determining if an emergency exists.

   (b) Abandoned 9-1-1 calls

      1. The VIPER Call Processing Equipment (CPE) has an Automated Callback feature for Abandoned 9-1-1 calls. This system will automatically call back any 9-1-1 caller and play a recording advising the caller:

         (a) The call is an automated message from St Louis Park 9-1-1

         (b) If an emergency response is needed, press 1 to be directed to a 9-1-1 Operator

         (c) If no response is needed, press 2 to disconnect the call

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(d) This message will repeat

2. Callers that press 1 will be directed back to the dispatch center and the CAD ANI/ALI screen will populate. Callers that press 2 will stop the CPE from continuing to call back. Both of these options will clear the call from the Abandoned Call Queue.

3. If a caller doesn't respond, the CPE will sound an audible alert and the call will remain in the Abandoned Call Queue. In this instance, the dispatcher will check the phone number in-house for prior history. If the dispatcher receives a busy signal, voice mail, or there is no answer, additional attempts to locate the caller may be necessary if there is prior history with the phone number or other notable concerns. If there is an identifiable location, units should be dispatched to check the call. An identifiable location is any of the following:

   (a) Call history provides an address for the call

   (b) ALI information shows the caller location clearly at a specific residence or location.

4. Dispatchers should document in a CFS if there is a specific location identified but units aren't dispatched (e.g. location continues to move, inside a moving vehicle, inside a large public space around other people (retail establishments, grocery stores, hotels, office buildings, etc.) Often times, the ALI location itself will be sufficient documentation for the CFS.

5. The ANI/ALI for these calls will be populated into a CFS to document the call and closed with the INF (information received) disposition in CAD

4. **Wireless 9-1-1 Calls**

(a) Hang-up calls

(a) If the dispatcher receives a 9-1-1 hang up call from a wireless phone, the dispatcher will attempt to call the number back and check the phone number in-house for prior history. If the dispatcher receives a busy signal, voice mail or there is no answer, additional attempts to locate the caller may be necessary if there is prior history with the phone number.

(b) Any evidence of an emergency situation requires that dispatchers initiate efforts to re-connect with the caller to determine the nature of the incident and an accurate location for responders. If attempts to contact the caller are unsuccessful, send two officers to the location provided by the 9-1-1 system. Extraordinary attempts to locate a Phase I or Phase II wireless 9-1-1 disconnect caller will only be made in the instance where an emergency is clearly indicated.

(b) Abandoned 9-1-1 Calls

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(a) If the dispatcher receives an abandoned 9-1-1 call from a wireless phone, the dispatcher will attempt to call the number back and check the phone number in-house for prior history. If the dispatcher receives a busy signal, voice mail, or there is no answer, additional attempts to locate the caller may be necessary if there is prior history with the phone number or other notable concerns. Otherwise no further action is required.

5. **9-1-1 Disconnects**

(a) A 9-1-1 disconnect shall be described as a call received via 9-1-1 where the caller disconnects prior to voice contact or stays on the line but disconnects before the operator is satisfied that there is no need for further emergency service or response. The dispatcher should call back the phone number from which the disconnected call was received. If contact is made, the dispatcher will evaluate for any required response of emergency resources. If no contact is made, the dispatcher will initiate Phase I and Phase II protocols as necessary and initiate two officers to the address or reasonably identified area of the call. The dispatcher will continue to attempt contact as possible.

6. **9-1-1 Misdials**

(a) A 9-1-1 misdial shall be described as a call received via 9-1-1 where the caller stays on the line and indicates that he dialed 9-1-1 in error. The dispatcher should evaluate the call paying close attention to background noise, tone, and word choice of the caller as they may elicit additional clues in determining if an emergency exits. A review of call history involving the caller and their address should be reviewed as well in considering whether officers should be dispatched or the call ended and noted as simply a misdial.

7. **9-1-1 Duplicate Calls**

(a) When a call comes in on the 9-1-1 line for which calls were previously received and a CFS has already been created, the call taker should determine if there is any new information that needs to be added including the new callers name and contact number for future follow-up. A dispatcher should follow the protocols as described in the Documenting 9-1-1 Calls section of this policy.

8. **9-1-1 Calls – Children Playing**

(a) When a call comes in on the 9-1-1 line that the dispatcher can determine to be children playing on the phone, an attempt should be made to get a parent or adult on the phone. If the dispatcher is able to speak to an adult during the initial call and determine that there is no assistance needed, the call is handled as a 9-1-1 misdial and that procedure shall be followed. If the line is disconnected before we are able to speak to an adult to verify the circumstances, the call is handled as a 9-1-1 disconnect following the same protocols.

9. **Exigent Circumstances**

(a) In the event a call is received via cellular phone and it is determined there may be a danger to someone at the scene of the phone call, the cellular phone company

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may need to be contacted to ping the callers location or to obtain the subscribers information.

(b) The cellular company may require the operator to fill out a 9-1-1 "Exigent Circumstances Form" and have it faxed to them. Some companies will provide subscriber information over the phone; while others will want the fax prior to releasing the information. Once the subscriber information is obtained, update the call comments and relay the information to responders. Do not disconnect from an active cellular call with evidence that assistance is needed. The dispatcher will send an officer by the subscriber's address if it is located within St. Louis Park. If the subscriber's home address is not in St. Louis Park, make contact with the appropriate PSAP. That PSAP will need to have officers respond to the address and obtain information pertaining to the owner of the cellular phone as well as having their welfare checked on.

10. **SWATTING Calls**

(a) Swatting is false reporting an emergency to public safety by a person for the intent of getting a ("SWAT team") response to a location where no emergency exists. The calling party will often report they are involve or nearby as a witness to a home invasion, active shooter, or hostage situation, attempting to cause a major police response when there is no real emergency.

(b) Caller ID spoofing, TTY relays, and/or social engineering may be involved and a real person's identifying information may be provided without their knowledge. Calls of this type may originate direct to the PSAP or be relayed from a third party.

(c) Initially these calls may not be distinguishable from a real emergency call and they must be processed as a normal call, following procedures, and documentation requirements.

1. The caller should be kept on the line if possible so additional information can be gathered. Specific questioning to compare with already-provided information may be beneficial.

(d) If it is determined a Swatting incident has occurred, an investigation will be started and dispatch staff can provide beneficial information, including:

(a) Detail information from the 9-1-1 system, logs, and information obtained from other sources.

(b) Call recording, if any.

1102.2.1 TEXT-TO-911 CALL PROCESSING

A. Purpose

1. To establish operational standards for processing short message service (SMS) text-to-9-1-1 calls in the City of St. Louis Park. The purpose of text-to-9-1-1 is to provide a means of communication between the caller and the public safety answering point (PSAP) when it is not feasible for callers to make a traditional voice call. Callers who find themselves in a situation where they are only able to

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text, or individuals who are hard of hearing or unable to speak may opt to utilize text-to-9-1-1. Voice communications is still the preferred medium to reach 9-1-1 and will be promoted as such.

B. Policy

1. Public Safety Dispatchers must be trained and demonstrate proficiency in dealing with emergency calls that are processed as SMS text-to-9-1-1 calls. Dispatchers will adhere to the procedures pertaining to processing emergency calls for service received in this manner. The standards in this policy follow the best-practices for SMS text-to-9-1-1 call processing as developed by the Department of Public Safety's Emergency Communications Network for the Twin Cities Metro Region.

C. Procedure

1. Constraints

(a) Text-to-9-1-1 does have limitations compared to traditional voice calls with caller location accuracy. Text-to-9-1-1 provides the geo coordinates of the center of the cell site centroid to the PSAP.Once a text session is ended by the call taker a text session cannot be restored or initiated unless the caller messages 9-1-1 again in a new session.

(b) Text messaging to 9-1-1 is a best effort service that utilizes the public SMS text network. As with any SMS texts, there is no guarantee on the speed of delivery, or if the SMS message will be delivered at all. SMS messages may also appear out of order. Accordingly, it may take longer for a dispatcher to process an SMS text to 9-1-1 request than a traditional 9-1-1 voice request. This in turn may lengthen the public safety response time.

(c) Due to limitations with SMS messaging, messages are limited to approximately 160 characters. When the caller's phone is in roaming mode, the text will not be delivered to the PSAP. The caller will receive a bounce back message advising them to dial 9-1-1.If a text call is not answered in the PSAP within approximately 30 seconds, the TCC will drop the call and send a message to the caller advising them to call 9-1-1.

2. Definitions

(a) **Cell site centroid** – Center point of a single cell sector. There are typically 3 sectors around a tower.

(b) **Emergency medical dispatch (EMD)** - systematic program of handling medical calls in which call takers use established protocols to classify the nature of the call, dispatch responders and provide pre-arrival instructions.

(c) **ESInet** – A managed Internet Protocol (IP) network that is used for emergency services communications, and which can be shared by all public safety agencies. Used for carrying voice plus large amounts of varying types of data using IP protocols and standards.

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(d) **PAI** – Pre-arrival instructions (PAI) are instructions the dispatcher provides to the caller before responders arrive on scene.

(e) **SMS** – Short message service (SMS) is commonly referred to as "text message". This type of messaging service is a component of most mobile telephone systems.

(f) **TTY** – A text telephone (TTY) is a device that allows the deaf, hard of hearing and speech impaired to communicate via telephone.

(g) **TCC** – The text control center (TCC) routes the wireless call to the correct PSAP for handling.

3. Recommended Protocol

(a) General

(a) Due to limitations with SMS messaging, the location information provided by a text message is unreliable and the call taker should not rely on the location information for dispatching text-to-9-1-1. The carriers use a different methodology for text calls than they do wireless calls. XY coordinates will be provided with the text that represent the centroid of the cell sector. The call taker can rebid the location information if necessary. Location information may or may not improve with a rebid.

(b) Text messages are expected to be processed using the same standards for processing emergency and non-emergency voice calls for service.

(c) Dispatcher should avoid the use of "texting" lingo, shortcuts, emoji characters and/or acronyms. All correspondence from the call taker should be in plain language.

(d) If the dispatcher is unable to explain to the caller that they need to call 9-1-1 due to language or communication barriers, the call taker will initiate a voice call to the originating number and attempt to make contact to provide Language Line interpretation services. Language Line is not currently capable of translating text.

(e) The use of preset messages shall be utilized for the initial response as well as when the dispatcher is ending the session. The initial response shall be, "You have reached St. Louis Park 911. What is the address of your emergency? Are you able to call 911?" The response utilized to end the session shall be, "Ending session now. If you need additional help, please call or text 911."

(f) A caller should not be called back in cases where their safety, or the safety of another, is in question unless directed otherwise.

(b) Text-to-9-1-1 Call Processing

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(a) The dispatcher will answer 9-1-1 text messages as they do with all other 9-1-1 calls and in accordance with the recommended protocols previously noted.

(b) The dispatcher will confirm that the caller can be reached at the same number the text is originating from and verify the address/ location of the incident. The caller's location information provided to the PSAP by the carrier may not be accurate, and/or a mistyped or auto corrected street name by the caller may provide the call taker with a wrong address, so every address/location (including city and state) must be verified.

(c) The dispatcher will ask the caller if they are able to call in by voice (if it is safe to do so), unless it is made clear at the onset of the call. During this process, the dispatcher will also inquire as to the nature of the emergency if not already known.

(d) If the request is of a medical nature and the caller confirms they cannot make a voice call, every effort will be made to process the request in the same way that a voice or TTY call would be processed, recognizing that typing questions and instructions is much slower than providing pre-arrival instructions on a voice call.

(e) Before ending the call, the dispatcher will inform the caller what action will be taken. The dispatcher should consider keeping the session open until responders have made contact with the caller/ victim. This will allow for additional texting and the ability to obtain additional information if necessary.

(f) Prior to ending the call, the "Ending Session" message located in the drop-down menu should be sent to the caller indicating that the session will be closed. An SMS Messaging session cannot be restored/initiated by the PSAP unless the caller messages 9-1-1 again in a new session. If necessary in order re-initiate a text session with the caller, the dispatcher may utilize the cellular phone dedicated to the dispatch center in order to do so.

(g) The caller will receive a "Dialog has been closed by 9-1-1" message when the dispatcher releases the call.

(h) If the PSAP does not answer the call within approximately 30 seconds, the TCC will terminate the call and send the caller a message advising them to place a voice call and that 9-1-1 text service is unavailable at this time.

(c) No response from caller

(a) If there is no response from the caller, the dispatcher will attempt to contact the caller by sending a text message back. If there is still no response, the dispatcher will leave the text session open and allow it to expire.

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(a) Indicated emergency: If the initial message indicated an emergency with an unknown location, the dispatcher will attempt to use other methods to locate the caller. This includes, but is not limited to, rebidding the location and contacting the carrier for pinging of the phone for subscriber information and location. It may also include placing a voice call to the caller to obtain critical information; however, if the initial message indicated an emergency where a callback could compromise the safety of the caller, the dispatcher will exhaust other methods in an attempt to locate the caller first.

(b) If there is still no response, the call taker will follow the policies for hang-up, abandoned, or silent calls.

(c) After 30 minutes of no activity in the session, the TCC will close the 9-1-1 text session and send the caller a message advising that the 9-1-1 dialog has been closed.

(d) Transfers and misdirected text

(a) If the PSAP receives a text or request for service in another jurisdiction, the PSAP will transfer the text directly through the TCC to the designated text capable PSAP for the jurisdiction, which are listed in the "drop-down" menu. When transferring a text call, the dispatcher will advise the caller what agency they are being transferred to and relay pertinent details to the receiving PSAP in order to ensure a successful transfer. At no point should the caller be advised that they have reached the wrong PSAP and need to dial or text another number to reach the correct PSAP.

(a) Text Control Center (TCC) transfers deliver a preemptive message that identifies the transferring agency and the previous text dialog to the receiving PSAP. The receiving PSAP will also receive the caller's location and telephone number information. If the dispatcher wishes to pass along sensitive information to the transferring agency, the dispatcher should consider utilizing the private chat function or contacting the transferring agency by phone to do so.

(b) If the PSAP is not able to transfer the text, the dispatcher will take pertinent information and relay to the appropriate PSAP. Once the initial response information has been exchanged, the agencies involved may choose to designate a talk group for continued incident communication or use telephone to relay incident updates.

1102.3 T-DOS (TELEPHONY DENIAL-OF-SERVICE) GATEWAY

(a) Purpose

1. To establish guidelines for using the VIPER Call Processing Equipment (CPE) T-DoS Gateway Feature

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(b) Policy

1. TDoS attacks commonly impact organizations with critical, public-facing contact centers, including PSAPs..A T-DoS attack is an attempt to make a telephone system unavailable to the intended user(s) by preventing legitimate incoming and/or outgoing calls. The objective is to keep the distraction calls active for as long as possible to overwhelm the victim's telephone system, which may delay or block legitimate calls for service.
2. The VIPER CPE has a T-DoS Gateway Feature that will automatically answer these calls and force the caller to press a button on their phone to proceed.
3. The Gateway Feature is configured to protect our PSAP against T-DoS attacks but can also be used when the PSAP may be overwhelmed by a significant, large-scale event.
4. This policy shall provide instruction and clarification on when the system should be used.

(c) Procedure

(a) A T-DoS attack is identifiable by calls of a repetitive nature, often displaying a return phone number that cannot be called back. If there is any call audio, it is automated. T-DoS attacks usually attack administrative lines since they're unable to direct-dial 9-1-1.

(b) A large-scale incident such as a shooting, multi-vehicle crash, residence fire, etc can overwhelm the PSAP with calls on a longer term basis.

(c) The CPE allows for the T-DoS Gateway to be activated by any Dispatcher. Once activated, any caller to the admin lines will receive an automated message that REQUIRES them to press '1' to be connected or '2' to be transferred to the records voicemail. Any call where choosing '1' or '2' does not happen, will disconnect.

(d) The recording that answers is configured to also address large-scale incidents that overwhelm the PSAP. The recording will advise callers:

(a) They have reached the non-emergency line for the St Louis Park PSAP

(b) The PSAP is overwhelmed by a large-scale event

(c) Non-emergency calls or calls of a report nature should be reported the next day after 0800 hours. If this is an emergency, call 9-1-1

(d) Press '1' to be connected to the 9-1-1 Dispatch Center

(e) Press '2' to be connected to the records line/voicemail

(f) If '1' or '2' are not pressed, the call will disconnect

(e) In the event of a T-DoS attack, Dispatchers should activate the Gateway and immediately notify the Dispatch Supervisor.

(f) Contact the Minnesota Fusion Center at (651) 793-3730

(g) Contact the LUMEN NOC (877)453-8353

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(h) A subsequent email should be sent to the Minnesota Fusion Center (MN.FC@state.mn.us) and should document the following:

(a) Time, date, originating phone number of call, and number of calls

(b) Nature, narrative, or characteristics of call

(c) Any information related to the caller(s)

(d) Impact of calls to the PSAP

(i) In the event of a large-scale event that overwhelms the PSAP, Dispatchers may activate the Gateway. If activated for this reason, Dispatchers shall notify the On-Duty Supervisor, Incident Commander, and/or Watch Commander as soon as practical.

1102.4 TRANSFERRING 9-1-1 CALLS TO HCMC FOR PRE-ARRIVAL INSTR.

A. Purpose

1. To establish guidelines for transferring medical calls to HCMC for Pre-Arrival Instructions (PAI).

B. Policy

1. Public Safety Dispatchers must quickly assess if there is an imminent health emergency such as, major trauma, compromised airway, breathing and/or cardiac systems. Dispatchers shall adhere to the procedures when determining which medical calls get transferred to HCMC for Pre-Arrival Instructions (PAI).

C. Procedure

1. Hennepin EMS Emergency Communications Center (ECC) use the Medical Priority Dispatch System (MPDS) on all 9-1-1 transfers from the PSAP and direct party callers.MPDS includes patient complaint protocols that help the EMS Dispatcher (EMD) obtain information from a caller and send an appropriate response. The EMS Dispatcher can also give 9-1-1 Emergency Medical Protocols or Dispatch Life Support, commonly referred to as Pre-Arrival Instructions (PAI). It is critical that the call transfer to 9-1-1 EMD Protocols takes place as quickly as possible so that the outcome is maximized.

2. The ability of the EMS Dispatcher to provide life-saving instructions to a caller or someone who can provide supportive care is dependent upon the identification that a life-threatening condition (i.e., cardiac arrest, choking, breathing problems, or emergency childbirth) exists. The objective of EMD Protocols is to provide a "zero response time" by providing "over the phone" intervention to improve patient outcome.

3. For Pre-Arrival Instructions to be effective, the caller must be in proximity to the emergency in order to assist the patient. If the call is from a second or third party who is not able to assist, then there is little usefulness in transferring to 9-1-1 EMD Protocol. In such cases, dispatchers do not need to transfer the call for Pre-Arrival Instructions.

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4. MPDS directs the EMS Dispatcher to first preform an initial assessment, similar to the field provider's primary assessment, through "Case Entry" questions. Case Entry questions are designed to determine in the first 20 to 30 seconds of the EMD interrogation whether or not a life-threatening condition exists and what the appropriate level of response will be.
5. To accomplish this, Hennepin EMS ECC requests dispatchers to immediately transfer the following priority calls to the EMS Dispatcher:
    (a) Burn
    (b) Cardiac Arrest
    (c) Child Birth (contractions less than 5 minutes apart)
    (d) Choking
    (e) Not Breathing/Severe Difficulty Breathing (asthma, allergic reaction, etc.)
    (f) Severe Bleeding
    (g) Altered Level of Consciousness (including unconscious)
6. The dispatcher should ask:
    (a) Tell me exactly what happened?"
    (b) Is the patient awake?
    (c) Are they breathing normally?
7. If the answer to either of these questions is "no", or the caller has any doubt on the patient's level of consciousness, advise the caller you are sending help, and transfer to the EMS Dispatcher for Pre-Arrival Instructions.
8. Not all calls will fit neatly into a certain category. If conditions exist that may benefit from 9-1-1 EMD Protocols, the call should be transferred, even if strict criteria are not met. When in doubt, transfer the caller.
9. When transferring a call to the EMS Dispatcher:
    (a) Please do not ask the caller if they want Emergency Medical Instructions (i.e. PAI or Pre-Arrival Instructions), just transfer the call if it meets the guidelines above.
    (b) Tell the caller you are transferring them to the paramedic dispatcher for further assistance. This does not delay any EMS response. A different dispatcher will send the ambulance.
    (c) When the EMS Dispatcher answers, do not tell the caller to go ahead or prompt the caller to start talking. Tell the EMS Dispatcher the address information and chief complaint. This will then allow the EMS Dispatcher to take control of the call.
    (d) There are some incidents that will require a dispatcher to remain on the line to update responders that are en route or already on scene. This is the recommended course of action when call volume permits and relevancy

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of the call demands it.In these situations, do not delay transfer but advise the EMS Dispatcher you are remaining on the line due to the nature of the incident.

1102.5 EMS RESPONSE TO SKILLED NURSING FACILITIES AND HEALTH CARE CLINICS

A. Purpose

1. To establish guidelines for EMS and Fire Response to the following Skilled Nursing Facilities and Health Care Clinics:

(a) 3201 Virginia Ave S

(b) 3525 Monterey Dr.

(c) 3620 Phillips Pkwy

(d) 3610 Phillips Pkwy

(e) 4415 36 ½ St W

(f) 7500 22nd St W

(g) 7900 28th St W

(h) 3850 Park Nicollet Blvd.

(i) 1665 Utica Ave. S. Suite 100

(j) 6099 Wayzata Blvd Unit 300

(k) 7115 Wayzata Blvd

(l) 3633 Park Center Blvd

(m) 3705 Park Center Blvd

(n) 3800 Park Nicollet Blvd

(o) 3900 Park Nicollet Blvd

B. Policy

1. Public Safety Dispatchers must quickly assess if there is an imminent health emergency such as, major trauma, compromised airway, breathing and/or cardiac systems. Dispatchers shall adhere to the procedures pertaining to processing emergency medical calls for service at skilled nursing facilities and health care clinics.

C. Procedure

1. General Guidelines

(a) The dispatcher shall create a CFS for all medical calls from these skilled nursing facilities and health care clinics and immediately transfer callers to HCMC for Pre-Arrival Instructions (PAI).

(b) If the patient is conscious, awake and breathing normally, the dispatcher shall create a CFS with the incident code of MEDNOFIRE. The dispatcher

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shall document in the comments of the call, the nature of the incident, and note that the caller was transferred toHCMC.The CFS event can be closed out with a disposition code of REF (referred).

(c) If HCMC determines that Fire response is needed, the dispatcher shall reopen the incident and add an additional incident code that best reflects the nature of the call and dispatch appropriate personnel.

(d) If the patient is uncooperative or combative, or the dispatcher is unclear whether fire and police response is needed, including any question or concern as to the patient's ability to breath or their level of consciousness, the dispatchers should error on the side of sending the fire department and/or police officers.

1102.6 SECOND PARTY CHECK

A. Second party checking means that someone, other than the person making the record entry, checks the record for accuracy and completeness. This procedure is required for ALL Hot File entries and modifications to record entries.

B. The person conducting the second party check on a hot file should first run an administrative (Z) query of the entered record and proceed with the following steps:

1. Ensure that all appropriate sources were checked and queried for complete information. This may include information from the case file, criminal history records, DVS data, motor vehicle registration, driver's license information and any other available sources. Make sure that this source material is kept with the case file or warrant. ie; D/L printouts, Registration printouts, CCH/III identification information.
2. Compare the information from the sources listed above against the record entered into NCIC to verify the accuracy of information in all fields of the hot file record.
3. Verify that all information was coded correctly with appropriate up-to-date NCIC codes.
4. Verify that the date of entry is correct. It may be different than the date the report was taken.
5. Correct any records that are inaccurate or coded incorrectly.
6. Verify that the record was "packed" with all available information to include: additional descriptors, scars, marks and tattoos, digital photo, social security number(s), state and federal arrest number(s), additional dates of birth and operator license numbers.
7. When you have verified that all of the information is accurate, cut and paste a copy of the administrative (Z) query to the second party check form. Once the form has been completed, save and close the form.

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1102.7 NON-CRIMINAL JUSTICE EMPLOYMENT CHECKS

A. Criminal history checks for non-criminal justice employment or volunteers may be requested of dispatch by the Human Resources (HR) Department. Currently, all requests come from the HR Manager and authorized staff. A copy of the consent form utilized by HR can be found on the City Network at O:\CITYWIDE \HUMANRESOURCES\Forms\Background Check. Upon receipt of a completed and signed consent form, follow the procedures below to complete the query:

1. Select the purpose code "E" for Locally Issued License & Employment (Non-Criminal Justice)
2. In the "ATTN" field, enter "Ali Timpone – (Position/Title Applied For)"
3. Driver Record and Person File Query (QDP).
4. Run a Criminal History Identification Query (QHM).
5. If criminal history exists, run a Criminal History Full Record Query (QRM).
6. If a suspense file exists, run a Court Disposition Query (QOR).
7. If no criminal history exists, return completed form to the city employee that requested the background check.
8. If the applicant/volunteer has indicated they have lived or worked outside of Minnesota, run a NLETS Query Identity Information query (IQ), for each state listed on their application (up to 5 states can be queried at a time).
9. If a criminal history from another state exists, run a NLETS Query Full Criminal History query (FQ).
10. If a criminal history exists, print and return to HR. The receiving HR employee must be CJIS certified. Command staff members can confirm the list of HR staff with this certification.
11. The release of all Criminal Justice information must be logged in the Criminal History Dissemination Log in Zuercher.

B. The following requests are NOT AUTHORIZED to be performed:

1. Background checks for SLP firefighter employment.
2. Background checks for civilian ride-alongs with SLP Fire.
3. Annual driver's license checks on City employees.

1102.8 CHAPLAIN PAGING

A. Purpose: The Police Chaplains are available to assist our department with critical incidents, death notifications, and nondenominational spiritual counseling.

B. Policy: Dispatchers shall adhere to the procedures pertaining to paging Chaplains to the scene.

C. Procedure

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1. When there is a need for a Chaplain, an officer or duty supervisor will contact Dispatch and request a Chaplain to respond to the scene.
2. Open the CFS the chaplain is being requested for.
3. Select Send Page located on the left side of the screen in the Commands section.
4. The Send Page window will open.
5. Select recipients by choosing Chaplain Group as the group.
6. In the next section, choose Select All next to the Total Contacts. The recipients should display in the Send To section.
7. Select Chaplain Request Page as the Message Type.
8. Do not remove any comments in the message section. This allows the recipients to see the call for service data.
9. If a Chaplain is able to respond, send another page indicating that the request has been filled.
10. Follow the procedure above, but remove the comments in the message section and type that the request has been filled along with the Chaplains name.
11. If there is no response from one of the Chaplains within 10 minutes, start calling the Chaplains directly from the Callout Rotation List.
12. If you are unable to reach a Chaplain in a reasonable amount of time, advise the officer or on-duty supervisor.

1102.9 SUSPENSE FILE QUERIES

A. Fingerprint Procedure for Suspense File Resolution

B. ***For people that come in to have their fingerprints taken and have a suspense record from any agency.***

1. **Use Purpose Code Q - Attn: Sgt's Name - Suspense Resolution**
2. Run a Driver Record and Person File Query (QDP).
3. Run a Criminal History Identification Query (QH).
4. If a criminal history exists, run a Criminal History Full Record Query (QR).
5. If a suspense file or files exist, run a Court Disposition Query (QOR) for each suspense record and print a copy.
6. Highlight the following fields on each suspense record:
   (a) Name
   (b) Birthdate
   (c) Controlling Agency
   (d) Statute

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7. Advise the Sgt or person processing the individual that there are outstanding suspense records.

C. Booking Procedure for Suspense File Resolution

D. ***For subjects being fingerprinted and booked in our facility and have a suspense record from any agency.***

1. **Use Purpose Code Q - Attn: Sgt or Arresting Officer's Name – Case Number**
2. Run the required checks for booking.
3. If a suspense file or files exist, run a Court Disposition Query (QOR) for each suspense record and print a copy separate from the booking checks.
4. Highlight the following fields on each suspense record:
   (a) Name
   (b) Birthdate
   (c) Controlling Agency
   (d) Statute
5. Advise the Sgt or on-duty supervisor that there are outstanding suspense records.

1102.10 VEHICLE RECOVERIES

(a) **Purpose:**

1. To establish guidelines for Dispatcher Responsibilities in confirming vehicles that were stolen in St Louis Park and recovered.

(b) **Policy:**

(a) It is necessary to document the circumstances of a stolen vehicle's recovery and ensure the owner of that vehicle is promptly notified. This policy will clarify the Dispatcher's role in documentation and notifications.

(c) **Procedure:**

(a) Stolen Vehicle Recoveries will be reported by the recovering agency via PORTALS.

(b) On receipt of a confirmation request, the Dispatcher shall:
   (a) Notify the on-duty supervisor of the St Louis Park Case number and any circumstances of recovery (arrests, damage, number of plates, etc)
   (b) Ask if the vehicle should be processed by crime lab or if it can be released to the owner
   (c) Respond to the PORTALS request with confirmation and release information.

(c) The dispatcher shall make clear who will be notifying the owner, whether it is the Dispatcher, Sergeant, or Reporting Officer.

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(d) If made by a Dispatcher, the notification should be made on a recorded line and be done as soon as possible.

(e) The dispatcher will complete a supplemental report documenting the following, and add it to the appropriate case file:

(a) Recovering Agency

(b) Recovery Conditions shared by the recovering agency

(c) Impound Information (where the vehicle was/will be towed)

(d) How the owner was notified of the recovery (message left, voice contact, phone number used, etc.)

(e) If owner notification is to be made by someone OTHER than the dispatcher, the report should note which officer said they would make the notification.

(f) Recommended procedure: Often times, copying and pasting the teletype into the narrative will provide the recovery agency, recovery conditions, and impound information

1102.11 RADIO PROCEDURE - OFFICER NEEDS ASSISTANCE AND ALERT TONES GUIDANCE

(a) Purpose

1. To provide information to Dispatchers and Responders about pre-programmed alert tones and provide guidelines on the use of those tones.

(b) Policy

1. Emergency Alert Tones are available via SLPECC Radio Consoles. Dispatchers should understand their discretion in using these tones to clear non-emergency radio traffic, or emphasize a transmission.

2. Unless noted, dispatchers will have discretion in the use of an alert tone to avoid covering a responder needing emergency assistance or interrupting critical radio traffic. However, the dispatcher must ensure that all emergency requests from any responder has the appropriate level of response. This includes repeating locations and verifying responders are enroute. Ex: "Emergency traffic only – [unit number] fighting at [location]"

(c) Procedure

1. A variety of pre-programmed tones are available in the SLPECC'S console. Two tones are pre-set for most uses. A single-tone of selectable duration is labeled with a blue radio button and the number 1. A warble tone is labeled with a red radio button and the number 2. A grey radio button is available with a selectable style of tones, numbered (1-15).

2. The single-tone denoted by the blue radio button should be the primary tone used on all Police talkgroups and in specific instances – METCOM.

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3. The warble-tone denoted by the red radio button should be the primary tone used on all Fire talkgroups.

4. Usage Scenarios:

   (a) **Regional Response:** In requesting a regional response to any incident, the Dispatcher should consider using alert tones on Police Talkgroups, Fire Talkgroups, and METCOM

   (b) **Requesting Emergency Assistance (see Policy 308 – Officer Response to Calls)** Alert Tones may be activated if an officer reports that they are "fighting with someone," not responding to status checks, sounds of a struggle/fight in a transmission, etc.

   (c) **MayDay Protocols:** Alert tones should be used when a 'MAYDAY' is declared, repeating any information aired by the requesting Firefighter on all Fire talkgroups including any mutual aid talkgroups being used in the incident.

   (d) **Critical Incidents:** Dispatchers should consider the use of alert tones for serious incidents including, homicides, infants not breathing/choking, robberies in progress, etc.

   (e) **Priority Traffic:** A dispatcher may use the tone if they or someone else needs priority access to the talkgroup to air priority information.

   (f) **Clearing the air of non-emergency traffic:** In an emergency response, transmissions may double or overlap with non-urgent traffic and/or cover a responder needing emergency assistance. The alert tone may be activated and a reminder to "clear the air for emergency traffic" should be considered. There are occasions where simply using the alert tone by itself may achieve this goal.

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Dispatch Diversion for Behavioral Health Issues

1103.1 INTRODUCTION AND POLICY

Many requests for Behavioral Health Issues come to Police but may be better served by an alternate response, a community resource, or a combination of these. The purpose of this section is to familiarize the Dispatcher with current resources and when they should be used. This policy can lead to the provision of more optimal service to community members in distress, reduce the risk of trauma to community members in crisis, and more effectively manage police resources for calls that require a traditional police patrol response.

1103.2 DEFINITIONS

Person in crisis- A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

Behavioral Health Incident- An incident reported to dispatch that may involve mental health, alcohol/chemical substance abuse, alcohol/chemical substance dependency, abnormal behaviors, requests for non-police services, issues at group-living facilities.

1103.3 ALTERNATIVE RESOURCES FOR BEHAVIORAL HEALTH RESPONSE

There are times when a call to the 9-1-1 Dispatch Center is the result of a Behavioral Health Incident where a traditional police patrol response is not appropriate. The following alternatives are available:

- **Hennepin County Cope/Youth Crisis** is a mobile crisis center staffed 24 hours a day. They are staffed by Health Workers who can write transportation holds and able to respond anywhere in Hennepin County. They also have a division that can respond to juvenile issues at all ages. Their response times vary by staffing and can be immediate or longer than a day. They are not armed and do not respond to incidents where there is the threat of imminent harm. They can be reached at (612) 596-1223. The phone number is answered 24 hours a day.
- **988:** Calling 988 will connect a caller with the suicide prevention hotline that is associated with their area code regardless of where they're calling from. 988 does not retain any ANI/ALI data for people who call them.
- **Hennepin County Family Response:** Available 1000-2200 hrs. for immediate, in person support and stabilization for children or youth and their parents/caregivers. Call 612-979-9511 or more info at hennepin.us/family-response. One-hour response for de-escalation and addressing immediate concern, engagement and family support over next 72 hrs., and connections with additional supports. (Added 9-25-23)
- **Hennepin County Walk-in Behavioral Health Center.** Located on the main floor of 1800 Chicago Avenue South (the same building as main detox), this resource is open

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from 0900-2100 Monday through Friday for adults seeking behavioral health care or substance use treatment.

- **Informal referral to Lee Carlson Center:** A local provider of mental health services for families, youth, and adults seeking to be accessible to community members, the Lee Carlson Center often has same-day or next-day appointments available for new clients. People seeking mental health support that are not in crisis can be provided the contact number of the Lee Carlson Center, 763-780-3036. (Note: Lee Carlson is not a drop-in center in St. Louis Park currently and appointments are required.)
- **Embedded Social Worker:** An employee of Hennepin County that works specific hours and works primarily from an office at the Police Department. The Social Worker can assist with providing resources such as housing, food assistance, medical assistance, chemical dependency treatment, etc. The social worker can also refer issues at group homes to another Hennepin County Employee.
- **Behavioral Health Unit (BHU).** This unit is staffed by Police Officers who work in collaboration with the Embedded Social Worker, members of the department's mental health workgroup, and other resources to address Behavioral Health Issues. Officers assigned to this unit should be assigned to Behavioral Health Incidents when on-duty even when a response from a Patrol Officer would not be appropriate. This unit is primarily available during day shift hours and will be primarily focused on addressing persons in crisis as well as behavioral health issues in the community. Officers assigned to this group will be responsible for following-up on behavioral health issues that arise during times when they're not on duty.
- **Fire Department Care Coordinator Group:** For callers seeking contact with Fire Department care coordinator group or resources provided by the Fire Department's Community Health Alliance (have been in contact with team before or who were referred to care coordinators and dialed incorrectly), a diversion to this group may be effected by phone to 952-924-2595.
- **Minnesota Warmline:** For many people, the Warmline is an important tool that helps them avoid mental health crisis and use of crisis services, 911 and hospital emergency departments. Calls are answered by peer support staff who have first-hand experience living with a mental health condition and are available to listen to you, provide support, and connect you with resources. And if you're in need of more help, we can directly connect you to the nearest crisis services. The Warmline is available 7 days a week from 0900-2100 hours by calling 651-288-0400 or by Texting "Support" to 85511

1103.4 CALL PROCESSING

9-1-1 Dispatchers should gather the following information when screening for a response that is related to Behavioral Health Issues when time and call volume allow:

- Name of the individual potentially in Crisis – where practical, a name search and address search should be done as soon as possible to screen for history, name alerts, and/or location alerts
- If the 9-1-1 Caller has a personal or facility profile, Smart911 may have mental health information about the caller including many of the specifics of this section.

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Smart911 can also flag the calling phone number with other information that's useful to responders

- Known history of mental illness
- Threats or attempted suicide
- Loss of Memory
- Incoherence, disorientation, or slow response
- Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- Social withdrawal
- Manic or impulsive behavior, extreme agitation, lack of control
- Lack of fear
- Anxiety, aggression, rigidity, inflexibility, or paranoia

9-1-1 Dispatchers should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

1103.5 SCREENING FOR DIVERSION

A number of factors should be considered when screening for alternate responses. The following factors would require a police response:

- Threats to themselves/others (immediate and/or specific)
- Active physical violence
- Any injuries
- Statements by the individual that suggest that they are prepared to commit a violent or dangerous act, including threats of suicide
- History of violence
- The presence of weapons.
- Danger to others present in the environment, especially children
- Whether or not the caller consents to use of an alternate response

Note: Calls referred to 9-8-8 or other resources may be referred back to dispatch upon changes to any circumstances or risks to indviduals' safety.

1103.6 DISPATCHER PREPARATION AND TRAINING

Resources provided to Dispatcher may include a risk factor assessment list or decision matrix, or examples of applicable situations with discussion of recommended options based on details in provided fact situations. The Dispatch Supervisor, in coordination with the Training Sergeant,

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will provide training to dispatchers on use of the assessment list and any newly developed call transfer processes.

CIT training, already provided to dispatchers, will provide information on verbal indicators of common types of mental disorders, use of active listening to enhance verbal communication, and context for understanding indicators of suicidal ideation.

1103.7 BEHAVIORAL HEALTH UNIT RESPONSE AND TRACKING

A BHU Officer should be assigned to ALL calls for service involving a Person in Crisis of Behavioral Health Incident when on duty. A call that is not appropriate for a response from a Patrol Officer should be referred to a BHU Officer when they are on duty.

Calls that are appropriate for an alternate response should be referred to the BHU for later follow-up.

The incident code BHI (BEHAVIORAL HEALTH INCIDENT) will be used for these types of incidents. Background information and a point of contact will be included in the call. When on duty, these incidents will be held for and assigned to a BHU Officer. A BHU Officer may choose to take some of these calls as information rather than responding (e.g., calls about Group Home rules)

When a behavioral health incident occurs when BHU Officers are not on-duty, a CFS will be created with details and a point of contact and cleared with the INF (Information) code.

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Attachments

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Model Sexual Assault Investigation Policy 03-03-21.pdf

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I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To 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;

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers 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 agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. 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.

A. **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 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.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **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

F. **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.

G. **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.

H. **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.

I. **Vulnerable Adult***:* any person 18 years of age or older who:
(1) is a resident 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);

(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:

(i) 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

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers 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 (per department policy).
4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers 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) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) 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.

4) Officers 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 the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) 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.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- 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, officers 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.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency 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 agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, 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 an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;
(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers 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. Officers 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. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers 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 pursuant to 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.06 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer 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

Officers 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.

E. Protecting Victim Rights

1) Confidentiality: Officers 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: Officers 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: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F.Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    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, officers 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 officer 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 injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
    a. 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 evidence collection, storage and preservation in sexual assault cases.
    b. 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. Officers and investigators cannot deny a victim the opportunity to have an exam.
    c. Officers 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, transport or arrange transportation for the victim to the designated medical facility.
    d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
2) 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.

3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers 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.
5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the 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 officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

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. However, officers/investigators should consider obtaining 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, evidence technician, 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.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/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

DA Enhancement Chart Jun-23.pdf

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Enhancement Chart for Assault-Related Offenses
Updated June 15, 2023 (underlined affective August 1, 2023)

Under Minn. Stat. § 609.02, subd. 16, the following are QUALIFIED DOMESTIC VIOLENCE RELATED OFFENSES. A prior conviction of any of of the following will enhance the new charges as noted in the chart below:

First Degree Murder
609.185* (exception enacted Aug 1)
Second Degree Murder
609.19
Third Degree Murder
609.195, subd. a
First Degree Manslaughter
609.20, subd. 1, 2 and 5
Second Degree Manslaughter
609.205, subd. 1 and 5
First to Fifth Degree Assault
609.221 to 609.224
Burglary in the 1st Degree
609.582, subd. 1(c)
Female Genital Mutilation
609.2245
First to Fourth CSC
609.342 to 609.345
Sexual Extortion
609.3458
Kidnapping
609.25
False Imprisonment
609.255
Nonconsensual Dissemination of Private Sexual Images
617.261
Malicious Punishment of a Child
609.377
Terroristic Threats
609.713
Domestic Assault
609.2242
Harassment or Stalking
609.749
GM Interference with a 911 Call
609.78, subd. 2
Violation of a Domestic Abuse NCO
629.75
Violation of an OFP
518B.01, subd. 14
Violation of Harassment Rest. Order
609.748, subd. 6

New Charge	Enhanceable to GM if prior QDVRO	Enhanceable to Felony if prior QDVRO
Domestic Assault 609.2242	Within 10 years of the date of prior conviction (2nd in 10) 609.2242, subd. 2	Within 10 years of the date of the 1st of 2 prior convictions (3rd in 10) 609.2242, subd 4
Harassment 609.749	Starts out as GM	Within 10 years of the date of a prior conviction (2nd in 10) 609.749, subd 4
Assault 5th Degree 609.224 *same victim*	Within 10 years of the date of a prior conviction (2nd in 10) 609.224, subd. 2a	Within 10 years of the date of the 1st of 2 prior convictions (3rd in 10) 609.224, subd. 4a
Assault 5th Degree 609.224 *diff. victim*	Within 3 years of the date of a prior conviction (2nd in 3) 609.224, subd. 2b	Within 3 years of the date of the 1st of 2 prior convictions (3rd in 3) 609.224, subd. 4b
OFP Violation 518B.01, subd. 14	Within 10 years of the date of prior conviction (2nd in 10) 518B.01, subd. 14c	Within 10 years of the date of the 1st of 2 prior convictions (3rd in 10) 518B.01, subd. 14d
HRO Violation 609.748, subd 6	Within 10 years of the date of prior conviction (2nd in 10) 609.748, subd. 6c	Within 10 years of the date of the 1st of 2 prior convictions (3rd in 10) 609.748, subd. 6d
DANCO Violation 629.75	Within 10 years of the date of prior conviction (2nd in 10) 629.75, subd. 2c	Within 10 years of the date of the 1st of 2 prior convictions (3rd in 10) 629.75, subd. 2d

[*] Exception. (a) A person may not be held criminally liable for a violation of section 609.185, paragraph (a), clause (3), for a death caused by another unless the person intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the other with the intent to cause the death of a human being(b) A person may not be held criminally liable for a violation of section 609.19, subdivision 2, clause (1), for a death caused by another unless the person was a major participant in the underlying felony and acted with extreme indifference to human life(c) As used in this subdivision, "major participant" means a person who:(1) used a deadly weapon during the commission of the underlying felony or provided a deadly weapon to another participant where it was reasonably foreseeable that the weapon would be used in the underlying felony; (2) caused substantial bodily harm to another during the commission of the underlying felony; (3) coerced or hired a participant to undertake actions in furtherance of the underlying felony that proximately caused the death, and where it was reasonably foreseeable that such actions would cause death or great bodily harm; or(4) impeded another person from preventing the death either by physical action or by threat of physical action where it was reasonably foreseeable that death or great bodily harm would result.

MN Public Assembly-First Amendment Rights Model Policy .pdf

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Public Assembly and First Amendment Activity

References:
Minn. Rules 6700.1615
First Amendment US Constitution
Minnesota Constitution
609.705. Unlawful Assembly
609.71 Riot
609. 066 Authorized Use of Force by Peace Officers
609.06 Authorized Use of Force

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 (law enforcement agency) 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 the (law enforcement agency) personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

2) POLICY

The (law enforcement agency) 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 (law enforcement agency) ("department") 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. Department 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.

This policy is to be reviewed annually.

3) DEFINITIONS

A. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.
B. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.
C. 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.
D. Crowd Control: Techniques used to address unlawful public assemblies.
E. Deadly Force: Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes **609.06 and 609. 066)**
F. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.

G. 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.

H. 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. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes **609.06 and 609. 066)**

I. 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.
J. 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.

K. 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.

4) Law Enforcement Procedures

A. Uniform: All officers 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 this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.

B. Officer conduct:

1. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
2. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
3. Officers must not take action or fail to take action based on the opinions being expressed.
4. Officers 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.
5. Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
6. This policy does not preclude officers 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.

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5. Responses to Crowd Situations

A. Lawful assembly. Individuals or groups present on the public way, such as public facilities, streets or walkways, 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

1. The definition of an unlawful assembly has been set forth in Minnesota Statute §609.705.
2. 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
3. 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.
4. 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 officers are threatened with dangerous circumstances.
5. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

C. Declaration of Unlawful Assembly

1. 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 officers announcing the declaration should be recorded, with the time(s) and date(s) documented.
2. The dispersal order must include:
   a) Name, rank of person, and agency giving the order
   b) Declaration of Unlawful Assembly and reason(s) for declaration
   c) Egress or escape routes that may be used
   d) Specific consequences of failure to comply with dispersal order
   e) How long the group has to comply
3. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
4. 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 escape/egress routes shall be identified and announced.

D. Crowd Dispersal

1. Crowd dispersal techniques should not be initiated until officers 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.
2. 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 officer commands before action is taken.
3. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers 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 department policy of using the minimal officer intervention needed to address a crowd management or control issue.
4. If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly,and a new declaration of unlawful assembly has been made.

6. Tactics and Weapons to Disperse or Control a Non-Compliant Crowd

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the (law enforcement agency's) Use of Force policy.

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
3. When reasonably necessary for protection of the officers 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. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. 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.
4. Officers 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 another.
5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

B. Restrictions on Crowd Control and Crowd Dispersal

1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.
3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd

containment, or crowd dispersal.

4. Motorcycles and police vehicles must 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.~~ Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.

6. 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. 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, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
   b) Officers 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.
   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 as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.

7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.

   a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. 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) Officers 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 hand held chemical agents have been used. Officers must monitor the subject 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.

9. 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, and

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) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.

d) CN chemical munitions are prohibited.

e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department 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 (SDS) for chemical munition

f) 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.

g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.

h) Chemical munitions are subject to the same procedural requirements as outlined in the (law enforcement department)'s UOF policy.

C. Arrests

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Persons who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.
3. 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.
4. Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
5. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
6. Officers arresting a person with a disability affecting mobility or communication must follow the department policy on arrest, transportation, and detention of persons with disabilities.

6. Handcuffs

A. All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.
B. Officers 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, officers must examine the cuffs and ensure proper fit.
C. Arrestees in flex-cuffs must be monitored to prevent injury.
D. 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.

7. Media.

A. 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.
B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
C. Officers 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.
D. The media must not be targeted for dispersal or enforcement action because of their media status.
E. 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.

8. Legal Observers

A. 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.
B. 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.
C. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

9. Documentation of Public Assembly and First Amendment Activity

A. The purpose of any visual documentation by (law enforcement agency) 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.

B. If it is the policy of (law enforcement agency) to videotape and photograph, it must be done in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.
C. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers,or speakers.
D. 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.
E. 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 department policies.
F. This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.

Confidential Informants Model Policy .pdf

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CONFIDENTIAL INFORMANTS MODEL POLICY

MN STAT 626.8476

I. POLICY

It is the policy of the ***(law enforcement agency)*** to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

II. DEFINITIONS

A. Confidential Informant (CI): A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency'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:
    i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
    ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
    iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

B. 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.

C. 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.

D. 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.

E. Target Offender: means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

F. Confidential Informant File*:* means a file maintained to document all information that pertains to a confidential informant.

G. 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.

H. 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.

I. Overseeing agent*:* means the officer primarily responsible for supervision and management of a confidential informant.

III. PROCEDURES

A. 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. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, 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
    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 other designated authority 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 agency, 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.

B. Exigent Confidential Informants

1. Certain circumstance 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 III.A(3)(a-c) 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.
2. 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.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive 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.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, 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 agency 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 agency.
6. All CIs must sign and abide by the provisions of the agency'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 E 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 agency 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 agency 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 agency.

    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 handling agency 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 agency 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 agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.
10. Officers 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 agency 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.
12. Members of this agency 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 officer or agent present and with at least one officer 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 agency 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 agency 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 agency.
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, officers 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.
22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
23. Individuals leaving employment with the agency 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.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive 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 agency.
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 officer 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 officers 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 agency's chief executive or their designee.
    b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
    c. Officers must not remove, copy, or disseminate information from the CI file.
    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 officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.
    f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. 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 agency.
    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 agency 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.

G. 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 agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting 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 officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the agency's chief executive, 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 agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

MN POST Professional Conduct of Peace Officers Model Policy.pdf

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PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers 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.

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. **Rules**
   - **a)** Peace officers shall not knowingly exceed their authority in the enforcement of the law.
   - **b)** Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
   - **c)** Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
   - **d)** Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
   - **e)** Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. **Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. **Rules**
   - **a)** Peace officers shall carry out their duties with integrity, fairness and impartiality.

b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

2. **Rules**

   a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.

   b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. **Rules**

a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c)**.

b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.

c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.

d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. **Rules**

a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. **Rules**

a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.

b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.

d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.

e) Peace officers shall:

- not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
- maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
- not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. **Rules**
   - **a)** Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
   - **b)** Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
   - **c)** A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
   - **d)** A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. **Rules**
   - **a)** Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
   - **b)** Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
   - **c)** Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

PB Rev 01/2011

Eyewitness Identification Procedures Model Policy.pdf

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EYEWITNESS IDENTIFICATION PROCEDURES MODEL POLICY

Minn. Stat. 626.8433

POLICY:

Officers 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 eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

Purpose:

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.

Definitions:

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.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

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.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

Procedure:

1. Show-ups

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. Document the witness's description of the perpetrator prior to conducting the show up.

b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.

c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.

d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.

e. Caution the witness that the person he or she is about to see may or may not be 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.

f. Do not conduct the show-up with more than one witness present at a time.

g. Separate witnesses and do not allow communication between them before or after conducting a show-up.

h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.

i. Do not present the same suspect to the same witness more than once.

j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

l. Ask the witness to provide a confidence statement.

m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

n. Videotape the identification process using an in-car camera or other recording device when feasible.

o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

Line-up and Photo Array Procedures

2. 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 following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

l. The line-up or photo array should be shown to only one witness at a time; officers 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. Officers 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.

3. 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 mug shots 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 mug shots 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, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting 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.
    a. 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).
    b. 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 or 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.
    c. The administrator should position himself or 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 or 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 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.

4. 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 officer 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.
        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.

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

Model Sexual Assault Investigation Policy.pdf

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I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To 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;

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers 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 agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. 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.

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(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 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.

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E. **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

F. **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.

G. **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.

H. **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.

I. **Vulnerable Adult***:* any person 18 years of age or older who:
(1) is a resident 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);

(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:

(i) 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

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers 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 (per department policy).
4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers 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) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) 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.

4) Officers 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 the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) 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.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- 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, officers 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.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency 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 agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, 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 an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;
(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers 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. Officers 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. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers 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. Officers 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.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer 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

Officers 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.

E. Protecting Victim Rights

1) Confidentiality: Officers 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: Officers 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: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    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, officers 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 officer 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 injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
   a. 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 evidence collection, storage and preservation in sexual assault cases.
   b. 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. Officers and investigators cannot deny a victim the opportunity to have an exam.
   c. Officers 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, transport or arrange transportation for the victim to the designated medical facility.
   d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
2) 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.

3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers 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.
5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the 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 officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

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. However, officers/investigators should consider obtaining 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, evidence technician, 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.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/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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  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency 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 agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, 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 an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;
(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers 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. Officers 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. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers 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. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer 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

Officers 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.

E. Protecting Victim Rights

1) Confidentiality: Officers 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: Officers 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: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    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, officers 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 officer 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 injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
    a. 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 evidence collection, storage and preservation in sexual assault cases.
    b. 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. Officers and investigators cannot deny a victim the opportunity to have an exam.
    c. Officers 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, transport or arrange transportation for the victim to the designated medical facility.
    d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

2) 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.
3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers 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.
5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the 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 officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

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. However, officers/investigators should consider obtaining 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, evidence technician, 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.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/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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