

Dawson Police Department

Policies And Procedures

Mission Statement

Vision:

The vision of the Dawson-Boyd Police Department is to be a leader in the law enforcement community through collaboration and innovation, recognizing the historic and diverse nature of our community and contributing to the highest quality of life for our citizens.

Mission:

The Dawson-Boyd Police Department is to safeguard lives, protect property, whereby our community may enjoy a sense of peace and security. We will meet the ever changing needs of our community through investment in our employees and building partnerships with our citizens and businesses that we are sworn to protect and serve.

Values that Guide our Actions:

Accountable: We are accountable to each other and the public we serve.

Compassion: We will carry out our duties with a spirit of compassion.

Consistency: We will be consistent in the performance of our duties.

Fairness: We will demonstrate fairness in all we do.

Integrity: We will demonstrate the highest level of integrity.

Professionalism: We will uphold the highest level of professionalism within our Law Enforcement community.

Respect: We will treat each other and those we serve with respect.

Teamwork: Realizing the importance and complexity of our duty, we will encourage and practice teamwork within our community and our Department.

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Conduct Unbecoming Police Department Staff

A Police Officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely. A staff member's conduct is closely scrutinized, and when his actions are found to be excessive, unwarranted or unjustified, they are criticized far more severely than comparable conduct of persons in other professions or occupations. Since the conduct of a staff member on or off duty may reflect directly upon the Department, a staff member must at all times conduct himself in a manner which does not bring discredit to himself, the department or the City.

Employment Policy

Rules, regulations and policies governing employment, compensation, working hours, vacation, sick leave, retirement, discharge and other personnel matters for the employees of the Dawson Police Department shall be the most current City of Dawson endorsed Personnel Policy, except on disciplinary action. This policy changes the City policy only in that it gives the Chief of Police the authority to give oral and written reprimands and suspensions without pay.

Police Officer Job Description

Nature of Work

This is general duty law enforcement work in the protection of life and property through the City. Employees in this class patrol city areas in squad cars in the enforcement of law and in securing compliance with traffic regulations. Work also includes escorting prisoners and undertaking routine investigations. Work is normally performed on a rotating shift basis. Work involves an element of personal danger and employees must be able to act without direct supervision and to exercise independent judgment in meeting emergencies. Assignments and general and specific orders are received from the Chief of Police who reviews work methods and results through reports, inspections and instructions.

Examples of Work

Patrols city areas in a radio equipped squad car to preserve law and order and to prevent and discover the commission of crime.

Answers a wide variety of calls and complaints involving robberies and other felonies, misdemeanors, domestic disturbances, automobile accidents, medical emergencies, drowning, animal control, area searches and other incidents.

At the scene of crime or accident, administers first aid, conducts preliminary investigations, gathers evidence, obtains witnesses and may make arrests and take prisoners to jail.

Enforces traffic laws and arrests traffic violators.

Serves warrants, summonses and other processes on individuals; conducts investigations.

Weighs and measures loads on trucks during road postings.

May perform incidental booking, fingerprinting, and photographing.

Assists fire departments and other agencies in responding of emergencies and natural disasters; assists other law enforcement agencies.

Escorts prisoners and others to and from court, jail, and other jurisdictions as assigned.

Performs other work as required.

Desirable Qualifications

Applicant must have necessary Police Officer's Standards and Training (P.O.S.T.) Board approved training in academics and skills if not already licensed.

Necessary Special Qualifications

If not currently licensed under P.O.S.T., applicant must be able to be licensed after completion of one year's probation period with the department.

Knowledge, Abilities and Skills

Knowledge of the street and highway system, geography of the County and of the location of

buildings and areas requiring special law enforcement services of ability of acquire such knowledge in a relatively short period of time.

Working knowledge of department policies, rules regulations and of controlling laws and ordinances or ability to acquire such knowledge in a short period of time.

Ability to perform investigations and gather pertinent facts leading to the solution and disposition of criminal cases.

Ability to deal tactfully but firmly with offenders, suspects, witnesses and to establish and maintain effective working relationships with other employees, court and enforcement agency representatives and the general public.

Ability to understand and carry out oral and written instructions.

Ability to develop skill in the care and use of firearms.

Ability to react quickly and calmly in emergencies.

Radio

I. INTRODUCTION

No matter what degree of technical perfection is achieved at a police radio station, the benefits derived can be unsatisfactory and inadequate if the operators are unacquainted with and fail to use efficient operation procedures.

It should always be borne in mind that a communications system is a weapon and as such is valueless if its correct use is not thoroughly understood.

Every time a police radio station goes on the air, the department represented is monitored not only by their two-way units on its system, but by a number of outside interests such as the newspapers, T.V. and radio stations, other police departments, the public and so forth.

The primary purpose of police radio communications is to expedite emergency communications between fixed station and all its associated mobile units.

The purpose of this section is to set down operating procedures which will be followed by the fixed station operators and the personnel in mobile units.

It is to be realized that all circumstances cannot be covered in an operating manual. Emergencies may occur that will necessarily demand a change in operating procedure.

The secondary purpose of police radio communications is the dissemination of necessary routing information which will be best handled via radio between the fixed station and its mobile units.

Information that can be handled more efficiently via telephone or other means of communication should not be handled by radio.

The foregoing has been intended to give a general picture of the functions of the radio system of the Sheriff's Office and the Dawson Police Department.

II. GENERAL OPERATION OF POLICE RADIO

All portable and fixed mobile radio units and the base station are capable of receiving and sending. Communications between mobile units can be carried on independently.

However, the base station, radio number KAJ826 will be in control of all traffic during normal operation.

III. PATROL RADIO SYSTEM

A. GENERAL INFORMATION

The Sheriff's Office has a building and tower located at 600 6th Ave., Madison, MN. It receives and transmits all radio communication between its mobile units. It also is in direct radio contact with the other Sheriff's radio departments and mobile units of many communities and counties.

1. TEAMWORK

Teamwork is of extreme importance. To successfully handle major crisis requires quick thinking and action and complete cooperation on the part of all concerned. The safety and protection of the citizens depends largely on the efficiency of the Sheriff's Office and other local law enforcement agencies in time of emergency; and these obligations would be increased a hundred fold in the event of a national crisis.

2. DISPATCHER

While on duty, they have the complete responsibility for the operation of the radio system. They operated the radio console and receive complaints by phone and in person. They must have an intimate knowledge of all areas within the county. They must be able to make quick decisions, must remain calm during emergencies, transmit directions in a clearly understood manner in a reassuring tone of voice, and use sound judgment.

3. MICROPHONE TECHNIQUE

Learn to talk into the microphone in a normal tone of voice as the power at the receiving unit has

been adjusted to your voice. It is better to talk in a monotone voice rather than to put dramatics or any tonal inflections into your voice. This is not commercial broadcasting and the dispatcher is not interested in the pleasing qualities of your voice, but rather in getting clear reception from you. The dispatcher is just as interested in your message as yourself and for that reason remember that while you represent only one unit, they have several besides the telephones, and at times, the public in the office-- so be patient with your traffic. Make sure that nothing gets into your microphone except that which pertains to police business. Make it a point to have shown to you how to use a "mike".

4. CHOICE OF WORDS

Be impersonal on the air. Never use "I" in referring to yourself. Refer to members of the department and other police officers by proper title or rank and name, never by name alone. Do not use first names or nicknames. Police radio stations are not licensed for person to person communications.

Choice of words in making up a message determines, to a large extent, whether the receiving operator will copy it correctly the first time, or find it necessary to ask for repeat. Unnecessary words which do not affect the meaning of the messages should be avoided. Choose words that are distinct and forceful in sound and that convey a definite meaning. Keep messages and dispatches as short and to the point as possible, but still give all the information necessary without rambling. Use the police phonetic alphabet in spelling difficult names of persons and places.

B. OPERATION

When a unit comes in service, the officer will inform the dispatcher by stating: "10-8".

2. TIME

The time is always given by the dispatcher in 24-hours clock at the end of each completed transmission. Usually the traffic on the air is heavy enough so that anyone wanting the correct time will NOT have to ask the dispatcher to give it. Wait until the end of the next transmission.

3. CHANNEL CLEARANCE

Before transmitting from your unit--LISTEN. Communications between the dispatcher and another unit may be in progress and you may not be able to hear both sides of the conversation. Remember--any time you transmit from your unit, the dispatcher is capable of hearing you, as well as the other mobiles on the system. Something important may be going on and you will only confuse the issue by breaking in. The dispatcher will indicate the termination of communications between then and the other unit thus: "Time 11:30". When you hear the time given at the end of each message, it is your "go ahead" signal to transmit.

4. MESSAGE ACKNOWLEDGMENT

Never assume a transmission has been received from you by the dispatcher until they acknowledge its receipt. The dispatcher will confirm it thus: "10-4". By the same token, never acknowledge a message from the dispatcher until you are certain that the message from the dispatcher is correct in every detail.

5. MESSAGE CONTENT

Dispatchers and mobile operators will arrange all material before transmitting so there will be no hesitation on the air. Procure all the information and transmit it all at once instead of making several separate transmissions.

When an officer requests the dispatcher to call a certain telephone number, he shall give sufficient information regarding the call so that the dispatcher can converse intelligently with the person called. Give the telephone number, the name of the party and why he is being called, plus any pertinent information. Transmissions shall be brief and to the point. Lengthy conversations shall be made by telephone whenever possible. This does not apply to emergency communications. Superfluous words or phrases such as "thank you", "thanks", "please", and so forth shall not be used.

In other words-----THINK BEFORE YOU TALK.

6. MESSAGE PRIORITY

The priority of a message is determined by the nature of its urgency and not by the rank of the officer calling. The following order shall be used.

A. EMERGENCY

1. Saving of a human life.
Prevention and treatment of personal injury.
3. Preventing loss of property.
4. Apprehension of criminals will be evaluated on the comparative seriousness of the incident.
5. Preventing loss of property and the apprehension of seriousness of the incident.

B. URGENT

1. Relaying information that may prevent a situation from becoming more serious.
2. Requesting assistance for a situation which the Officer cannot handle with the resources on hand.

C. ROUTINE

1. Calls that do not belong in the emergency or urgent classification, that has to be put on the radio.
2. Normal necessary communication that can best be handled on the radio.
When a unit goes out of service and no telephone number is available, the officer will inform the dispatcher of his location, name of place, address, and approximate length of time he will be there.
7. MESSAGE RELAY
The base station will relay any messages when cars are out of good communication range.

8. EMERGENCY--UNIT AVAILABILITY

Whenever an emergency occurs that warrants an immediate response and the area car is out of service by phone, the dispatcher will put it out on the air thus, other cars may be much nearer to the scene and can assist until the car gets there. This will hasten aid to those injured and it is not intended to make a race out of every call. If you are near the scene and can cover it, let the dispatcher know. The dispatcher will then cancel the other car that may be proceeding to the scene.

9. AMBULANCES

Whenever an ambulance is needed, the dispatcher will make the call.

10. FATALITIES

The dispatcher must notify either the Sheriff or the person in charge in the event of a death.

11. WHEN LEAVING CAR UNATTENDED

When leaving your car, be sure to lock it up and take the keys with you so that the unauthorized persons cannot get at the radio and

other equipment. Be sure to secure the forward compartment, etc. and take the keys with you when leaving the car.

12. STOPPING VIOLATORS WHEN ALONE

For your protection, when stopping a violator for investigation, be sure to give dispatcher your location and the license number of the violator. If everything is in order and you are clear, let the dispatcher know immediately. This is very important when ordering a check--whether you have 1 or 2 men in the unit.

13. CODE SIGNALS

The only code that is used by the Patrol is attached. Memorize the code and have a copy in the car.

14. CHECKING OUT OF SERVICE

At the end of your tour of duty, before turning "off" your radio, check out with the dispatcher.

INITIAL CALL REPORTS (ICRS)

The initial call is usually taken by the dispatcher on duty. They write out the information they receive at the time and give it to an officer who is on duty; or if it is near the end of a shift, they give it to the officer who is coming on duty. The officer investigates the call and writes up the complaint with the information he had gathered on his investigation as soon as possible. (It is expected to be completed with the first part of the investigation at least within a day or two.)

Should the investigation become quite involved and report lengthy, the officer should just put up a very short summary on the ICR and use the Investigation Report and Supplementary Report forms, making a note on the ICR to "See Investigation Report in File".

OPERATION OF POLICE DEPARTMENT SQUADS

- A. Patrol units shall be operated in a careful and prudent manner. No special privileges shall be assumed other than are accorded by law.
- B. Patrol units shall not be operated at speeds in excess of the applicable speed limit except when in pursuit of an actual or suspected violator. Drivers of patrol units responding to emergency calls shall exercise due regard toward other traffic and road conditions and also drive in a safe and prudent manner.
- C. Members shall use safety belts at all times while operating Police vehicles, except when it is not practical to do so such as transporting prisoners, drunks, etc.
- D. Police vehicles will not be used to push or tow disabled vehicles.
- E. The emergency red lights and siren identify the squad as an emergency unit and shall be used at the discretion of the driver and as prescribed by state statute.
- F. The siren may be sounded when necessary, but in any event it shall be sounded when the red emergency lights are required to be lighted as in (E) above.
- G. On emergency runs during the daylight hours, the officer should use not only red lights and siren, but also the headlights.
- H. When on an emergency run, squads should be alert for other emergency vehicles running on the same call.
- I. Exemption: The Dawson Police Dept. allows lights not to use on emergency vehicles according to Minn. Statute 169.541

EMERGENCY RUNS

169.01 Subd. 5

Authorized Emergency Vehicle---(2) a publicly owned police vehicle or privately owned vehicle used by a peace officer for police work under agreement, expressed or implied, with the local authority to which he is responsible.

169.03

The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign, shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights.

The driver of any authorized emergency vehicle, when responding to an emergency call, may enter against the run of traffic on any one-way street, or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency had been reported.

No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to any emergency call or in the immediate of an actual or suspected violator of the law.

169.17 EMERGENCY VEHICLES:

The speed limitations set forth in Sections 169.14 to 169.17 do not apply to authorized emergency vehicles when responding to emergency calls, but the drivers thereof shall sound audible signal by siren and display at least one lighted red light to the front. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others.

169.20 Subd. 5---RIGHT OF WAY

The driver of each other vehicle shall yield the right of way, shall immediately drive to a position parallel to and as close as possible to the right hand edge or curb of the highway clear of any intersection, and shall stop and remain in this position until the authorized emergency vehicle has passed, except when otherwise directed by an officer.

- A. Department vehicles may be operated as emergency vehicles only within the scope of law. Emergency operation is authorized when:

1. Responding to assist at a fire scene.
2. Responding to a call for assistance from another officer.
3. Responding to a crime in progress.
4. Responding to a sick or injured party.
5. Responding to an accident with injuries.
6. When in pursuit of a law violator.
7. When time is essential to the response.

IN ALL CASES, THE DRIVER OF THE VEHICLE SHALL USE GOOD JUDGMENT IN THE OPERATION OF THE VEHICLE AND DRIVE WITH THE DUE REGARD FOR SAFETY OF HIMSELF AND THE PUBLIC. YOU ARE OF NO VALUE TO ANYONE IF YOU DO NOT ARRIVE ON THE SCENE.

- B. When using emergency warning equipment, before proceeding into an intersection against a red light or in disregard of a stop sign, the driver shall make certain that approaching conflicting traffic has HALTED OR YIELDED.
- C. Squads are equipped with sirens and red lights and should be used whenever the squad exceeds the speed limit, except when attempting to clock a speeding vehicle or when there use would hinder apprehension of a suspect, i.e. near scene of possible B & E, etc.
- D. Speeds when making emergency run:
1. Should always be determined by urgency of the response time necessary and by existing conditions such as traffic, road conditions, residential or rural area, time of day, etc.
 2. With few exceptions, speeds exceeding 90 m.p.h. should not be necessary and drivers will be held accountable for any violation of such policy.

TELEPHONE USAGE AND REFERRAL

1. It shall be the duty of all Police Officers receiving calls either in person or by any communication's system, to make an initial complaint report for any call other than a request for information only.
2. Requests for home telephone numbers of off-duty police officer will normally not be given out. Caller should be asked if anyone else in the department may assist them. If not, caller should be informed when the officer will be on duty and the best time to call him. Emergency or unusual circumstances may dictate that the officer's number should be used.
3. When telephone calls are received for officer working in the field, desk officer will inform caller that the officer is unavailable; if caller wishes to leave number, the message will be relayed to the officer so that he may return the call.
4. Officers should discourage friends and relatives from calling them while they are on duty, unless related to police matters.
5. Police officer personnel will refrain from using department telephones to conduct personnel business.

ATTEMPT-TO-LOCATE CALLS

This department will cooperate with other police agencies requesting our help in attempting to locate person for the deliverance of an emergency message.

Private persons from another city requesting our assistance in attempting to locate a friend or relative in regard to an emergency message should be informed that we are unable to comply with this request unless it comes from their local police agency.

NEWS RELEASES

It shall be the policy of the Dawson Police Department Officer that all news releases be approved by the Chief of Police before it is released. In the absence of the Chief, the senior officer will have approval of any news releases.

ACCIDENT REPORT COPIES

It shall be the policy of this Department that the only information that will be given out will be the top portion of the traffic accident report, leaving everything past the estimated damage of the copy including the codes marked on the left and right of the accident report. It will be suggested to the individual requesting the report to write to the State of Minnesota, Department of Public Safety, if he desires the complete report.

The only time a complete copy of an accident report will be given is when all involved parties agree to the disclosure of the officer's investigation or a signed affidavit is provided by the insurance agent. Individuals involved may personally get copies as well.

INVENTORY OF IMPOUNDED VEHICLES

For the purpose of safe keeping, any vehicle that is impounded for any reason shall be inventoried and vehicle report made of it. This shall include any vehicle held while driver/owner is detained or held in custody.

VEHICLE TOWING AND IMPOUNDING

It shall be the policy of the Dawson Police Department to tow and impound motor vehicles for but not limited to the following violations:

1. Driving without insurance, MS 65B.67
2. DWI, MS 169.121 (if no other driver is readily available)
3. DAS & DAR, MS 171.24 (if no other driver is readily available)
4. All felony violation involving the vehicle
5. Violations of MS chapter 152 except where the violation is a petty misdemeanor
6. Intent to escape tax, MS 168.35
7. Suspended or revoked plates, MS 168.68
8. Any other violations the officer deems it necessary to tow and impound the vehicle

It shall also be the policy of the Dawson Police Department that when a vehicle is towed and/or impounded, that an inventory of the property in or upon the vehicle be made and a vehicle report be made of it. This shall include any vehicle held while the driver/owner is detained or held in custody.

VEHICLE STORAGE POLICY

It is the policy of the Dawson Police Department that vehicles impounded will be charged a storage fee. The storage fee will be established by the Chief of Police. The fee will be in or attached to this policy.

Vehicles will be held for 30 days and the disposed of by public sale according to Minn. State Statute. There will be two impound areas within the city limits at the Dawson Waste water treatment plant. Owners of impounded vehicles hold all liability for the vehicle and its contents.

The storage fee will start the day the vehicle is impounded, no matter what time of day. Vehicles will not be released until the storage fee is paid.

Waste water Plant storage fee: Determined by Council 2014: \$20.00

ON CALL POLICY, Full Time Officers employed Full Time prior to 8/1/14

It is the policy of the Dawson Police Department that the officer working the day shift will be on call prior to the start of their regular shift.

The on call officer must be by his/her phone and be able to respond immediately to an emergency situation. The on call officer may take up to 15 minutes to respond to a non-emergency situation or in the case of non- criminal complaints may tell the complainant that the situation can wait till his/her regular shift hours.

Full Time Officers must reside within a 15 minute response time to the Dawson/Boyd Police office, obeying all traffic laws.

Only Full Time Officers may take call, unless prior approval by the Chief of Police at a rate of \$2.00 per hour.

When an Officer uses Vacation time, Sick time or any other leave the officer following that shift is responsible for taking call and be able to take calls to assist Part Time Officers filling that shift. If a Full Time officer fills partial or the entire shift, that officer is responsible for the on call hours prior to that shift.

The Officer on call may have a patrol vehicle at their residence. Placement of patrol vehicles is at the discretion of the Chief. Transportation to and from work is the responsibility of the Officer.

The Chief of Police shall have a vehicle available 24/7.

No alcohol can be consumed by the on call officer for 8 hours before he goes on call or starts a shift.

All Full Time Officers will be paid on call pay at the rate established by the Dawson City Council.

ON CALL POLICY, Chief of Police, Part Time Officers and Full Time Officers hired after 8/1/14

It is the policy of the Dawson Police Department that the officer working the day shift will be on call prior to the start of their regular shift.

The on call officer must be by his/her phone and be able to respond immediately to an emergency

situation. For emergency calls in Dawson the Officer must be able to be on scene in less than 10 minutes. For emergency calls in Boyd an Officer must be able to be on scene in less than 25 minutes. To meet this requirement the on call Officer must be located within a 2 mile radius of the Dawson/Boyd Police Office at 675 Chestnut St, Dawson. The on call officer may take up to 15 minutes to respond to a non-emergency situation or in the case of non- criminal complaints may tell the complainant that the situation can wait till his/her regular shift hours.

Full Time Officers must reside within a 15 minute response time to the Dawson/Boyd Police office, obeying all traffic laws. Note: This is different than the requirements for being on call.

Only Full Time Officers may take call, unless prior approval by the Chief of Police, Part Time Officers may take call at a rate of \$2.00 per hour.

When an Officer uses Vacation time, Sick time or any other leave the officer following that shift is responsible for taking call and be able to take calls to assist Part Time Officers filling that shift. If a Full Time officer fills partial or the entire shift, that officer is responsible for the on call hours prior to that shift.

The Officer on call may have a patrol vehicle at their residence, if located within the City of Dawson. Placement of patrol vehicles is at the discretion of the Chief. Transportation to and from work is the responsibility of the Officer.

The Chief of Police shall have a vehicle available 24/7.

No alcohol can be consumed by the on call officer for 8 hours before he goes on call or starts a shift.

All Full Time Officers will be paid on call pay at the rate established by the Dawson City Council.

Revised and approved by Council 9/2/14

**USE OF FORCE AND DEADLY FORCE POLICY
MN STAT 626.8452**

1) PURPOSE

It is the policy of the Dawson Boyd 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.**

2) POLICY

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. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

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.

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

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

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

Section (4) Procedure, paragraphs (g.1-2), are effective March 1, 2021 and thereafter.

3) DEFINITIONS

- a) **Bodily Harm:** Physical pain or injury.
- b) **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.
- c) **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.
- d) **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.
- e) **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.
- f) **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.
- g) **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:
 - a. obtained training in the technical, mechanical and physical aspects of the device;
and
 - b. developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

4) PROCEDURE

a) General Provisions

1. Use of physical force should be discontinued when resistance ceases or

when the incident is under control.

2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. All uses of force shall be documented and investigated pursuant to this agency's policies.

b) Duty to Intercede

Regardless of tenure or rank, an officer must intercede when:

- a. present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
- b. physically or verbally able to do so

c) Duty to Report

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

d) De-escalation:

1. **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.**
2. **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.**

e) Use of Other Than Deadly Force

1. **When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a**

non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:

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

f) Use of Certain Types of Force

1. Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

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

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

g) Use of Deadly Force

1. An officer is authorized to use deadly force 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. Use of deadly force is justified when one or both of the following apply:

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

paragraph (a), items (i) to (iii), unless immediately apprehended.

2. An officer shall not use deadly force against a person based on the danger the person poses to self 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 the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).
3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.
4. In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

h) Training

1. **All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.**
2. **In addition, training shall be provided on a regular and periodic basis and designed to**
 - a. **Provide techniques for the use of and reinforce the importance of de-escalation**
 - b. **Simulate actual shooting situations and conditions; and**
 - c. **Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.**
3. 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.
4. 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.
5. 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.

6. With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

i) Recordkeeping Requirements

The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.

TASER HANDLING AND DEPLOYMENT:

1. PURPOSE:

This insert sets forth the Dawson Police Department's policy regarding the training, handling and deployment of the X26 Taser.

2. OBJECTIVES:

A. To inform and direct those officers who are authorized operators of the X26 Taser, in a uniform

and professional manner, in the proper tactics and procedures in deploying the Taser.

B. To provide written guidelines for officers to follow when deploying the Taser, as well as documentation required for a Taser deployment.

3. INFORMATION:

A. The Taser is an additional police tool and is not intended to replace verbal problem solving skills, self-defense techniques, or firearms. The Taser shall be deployed only in circumstances where it is deemed reasonably necessary to control a dangerous or violent subject. The Taser shall be deployed when deadly force does not appear to be justified and/or necessary, and attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject. The deployment of a Taser is considered a use of force one level greater than physical strength and skill and is on the same use of force level as pepper spray (Oleoresin Capsicum or Mace).

B. Only properly functioning and charged Tasers will be issued for field use. The battery charge shall be checked prior to removing the Taser from storage. The battery charge shall only be checked when there is no air cartridge loaded in the Taser. The Taser should be pointed in a safe direction with no air cartridge loaded in the unit for the "test spark", performed when checking the Taser out to test the battery charge.

C. Any Taser or component thereof found to be defective or damaged shall be turned in to the Chief of Police, or other designated person, as soon as possible. The defective Taser or component will then be returned to the appropriate Taser company for replacement or repair. Repairs will not be attempted by anyone other than an appropriate Taser company technician, or someone authorized by the appropriate Taser company.

D. All Tasers and associated equipment shall be properly secured when not in use. When carried in the field, the Taser shall be carried in an authorized Taser holster. When carried by an officer, the Taser holster shall be carried opposite of the officer's service firearm.

4. DEPLOYMENT:

A. Each deployment of a Taser shall be investigated and documented utilizing an Incident Report and/or Use of Force report. This includes a contact deployment, as well as the firing of an air cartridge or other deployment resulting in a subject or animal receiving an electrical charge from the Taser, or when the Taser is activated (sparked) and the subject is subdued/controlled without actually receiving an electrical charge from the Taser.

B. An officer shall not brandish, display, or threaten the use of the Taser unless the officer can reasonably conclude that its use may become, or is likely to become justified. Officers shall ensure that the Taser is deployed or discharged only in the manner in which they were trained; the Taser shall only be utilized by certified personnel.

C. Prior to deployment or discharge of the Taser, officers shall ensure that there is no **FLAMMABLES** present.

D. UNDER NO CIRCUMSTANCES SHALL AN OFFICER INTENTIONALLY DEPLOY OR DISCHARGE THE TASER AT THE NECK, HEAD OR FACIAL AREAS of the target subject. All deployment or discharges will be targeted to the chest, back, arms, and/or legs.

E. Officers shall not deploy the Taser on a FEMALE WHO IS BELIEVED TO BE, OR IS OBVIOUSLY PREGNANT.

F. Officers shall not deploy the Taser on minors or elderly unless the actions of the subject present an immediate threat of death, great bodily harm, or substantial physical struggle that could result in injury to themselves or any other person including the deploying officer.

G. Officers shall exercise extreme caution when deploying the Taser on a person that is positioned on an elevated platform, or who are at a greater risk of sustaining substantial injury or death from a fall.

H. The Chief of Police or his designee shall be notified of Taser usage in any situation. The Chief of Police, or his designee, shall be notified as soon as possible after the incident, within reason, and a full, detailed report will be submitted as soon as reasonably possible.

I.. The Taser shall under no circumstance be used punitively or for the purpose of coercion.

J. When an officer deploys the Taser and immediately prior to using the Taser, the Taser officer shall notify any and all other officers on the scene that he is going to utilize the Taser by announcing “**TASER**”.

K. Only medical personnel may remove, or direct the removal, of Taser probes that are embedded in soft tissue areas such as the neck, face or groin. Removal from other areas will be at the discretion of the supervisor at the scene or the medical personnel. It is recommended, but not mandatory, that medical personnel (EMT, Paramedic, etc...) remove the Taser probes if they are imbedded in the skin. It is recommended that prior to removal of the probes, the officer takes photographs of the probes and the location of the probes on the subject.

L. After an officer utilizes the Taser, the officer will submit a detailed report, along with a Taser Use Report, and mark the location of the impact of the Taser probes on the diagram of page two of the Taser Use Report.

M. When an officer deploys and utilized the Taser, and after the subject is subdued and taken into custody, the officer will secure the spent cartridge, complete with the wires, and probes and place them into evidence. The officer shall download the deployment data on the computer and obtain a printed report. A copy of the printed deployment report shall include the date prior to the deployment, the date of the deployment on the subject, and the day after if available. This deployment printed report will be maintained with the original incident/arrest report for court purposes.

5. GUIDELINES FOR POLICE OFFICER REMOVAL OF TASER PROBES FROM SUBJECT:

- A. Supplies:
 - a. Gloves, antiseptic wipes, band-aid, biohazard stickers.
- B. Subject Safety:
 - b. DO NOT attempt removal if subject is combative.
 - c. DO NOT attempt removal if location of the probe is;
Face, Neck, Ear, Breast, Groin, or Deeply Implanted.

(Probes that are superficially in the skin may be removed by an officer who is trained to do so and under the supervision of another officer if possible.)

- C. Procedure:
 - a. Officer dons medical gloves.
 - b. Places spent Taser cartridge on the ground or other flat surface with holes up.
 - c. Firmly grasp the probe and with one pull remove probe from the subject and place the probe point down in the spent cartridge. DO NOT HOLD CARTRIDGE WHILE

PLACING USED PROBE INTO THE CARTRIDGE, INSTEAD KEEP IT ON THE GROUND OR OTHER FLAT SURFACE.

- d. With antiseptic wipe, clean the skin in a circular motion moving from puncture wound out, dirty skin will need more than one cleaning. Use new antiseptic wipe for each leaning. DO NOT GO BACK AND FORTH ACROSS THE PUNCTURE WOUND, START IN THE CENTER AND MOVE OUTWARD IN A CIRCULAR MOTION (this is to prevent infection of the puncture site).
- e. After air drying, apply clean dry Band-Aid.
- f. If needed, follow same procedure for removal of second Taser probe.
- g. Each fired probe shall be treated as a biohazard whether it is in the skin or not at the time of post-deployment evaluation.
- h. Secure holes of spent Taser cartridge with tape and apply biohazard label.
- i. Handle, store, and dispose of cartridge in the same manner as biohazard waste. Seek appropriate level of service for the subject.
- j. Assess subject for any injury or condition that may need medical attention and seek appropriate level of service for the subject.
- k. Provide Taser Aftercare Instruction Sheet to the subject or subject's responsible party if released from custody and to admitting jail if subject is incarcerated.
- l. Remove gloves and clean hands with waterless hand sanitizer.

TASER AFTERCARE

The Taser X26 sends a low dose of electrical current for up to five (5) seconds to temporarily stun or immobilize. The manufacturer reports that it may cause temporary involuntary skeletal muscle contraction and a feeling of dizziness. It does not interfere with the heart muscle contraction or pacemakers and does not cause long term after effects, nerves, or body functions.

What to expect:

It is normal to experience redness, numbness, and tingling in the effected area for a few hours afterwards. If the skin was punctured by the Taser probe, the probe has been removed, the skin cleaned with an antiseptic and a bandage applied.

Recommendations:

Keep bandage clean and dry to reduce the possibility of infection. Watch for and seek medical care if signs such as persistent redness and swelling or fever occur. If it has been ten or more years since your last Tetanus shot see your doctor for a Tetanus booster.

This information provided for your safety by the Dawson Police Department.

POLICE PURSUITS POLICY

Minnesota Rules, Chapter 6700.2701

POLICY

It is the policy of the Dawson Police Department to protect lives while enforcing the law. In addition, it is the responsibility of the Dawson Police Department to guide its officers in the safe and reasonable performance of their duties. To accomplish these goals, the following policy is provided to control and regulate the manner in which emergency vehicle operations are undertaken and performed. When engaged in emergency vehicle operations in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions, by statute, from certain traffic laws. These exemptions are provided to help protect lives, not to place them at undue risk.

I. DEFINITIONS

- A. *Pursuit:*** A multi-stage process by which a police officer initiates a vehicular stop and a driver resists the signal or order to stop, increases speed, takes evasive action and/or refuses to stop the vehicle. Once the driver refuses to obey the police officer's signal or order, this pursuit policy and procedure will determine the officer's and agency's actions.
- B. *Termination of a Pursuit:*** A pursuit shall terminate when the pursuing officer(s) turn off the emergency equipment, resume routine vehicle operation and informs dispatch, or when the suspect vehicle stops.
- C. *Divided Highway:*** Any highway that is separated into two or more roadways by:
 - 1. a physical barrier, or
 - 2. a clearly indicated dividing section so constructed as to impede vehicular traffic.
- D. *Channeling:*** To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- E. *Compelling Path:*** The use of channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.

II. PROCEDURE

A. Pursuit Considerations

1. Pursuit is justified when:
 - a) a vehicle operator fails to stop after being given a visual or audible signal to stop by a peace officer; and
 - b) there is reasonable expectation of a successful apprehension of the suspect.
2. Other factors to be considered:
 - a) the initial decision to engage in a pursuit shall rest primarily with the officer who has initiated the vehicular stop, after considering the elements of this policy;
 - b) these elements shall include, but are not limited to: the crime for which the suspect is wanted (the need to apprehend immediately), and the risk to the community created by the pursuit (traffic, area of pursuit, environmental factors, and weather conditions);
 - c) the officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit;
 - d) terminating a pursuit shall be considered a decision made in the interest of public safety;
 - e) the officer's decision to continue a pursuit may be overridden by a supervisor at any time.
3. Standards applied to the evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following:
 - a) is the need to immediately apprehend the suspect more important than the risk created by the pursuit?
 - b) do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?

B. Procedures & Tactics for an Officer Engaging in a Pursuit

1. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.
2. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations when necessary, as long as the operator continues to exercise due care in vehicle operation.
3. The pursuing vehicle shall be known as the primary unit, which will be the unit closest to the fleeing vehicle and the secondary unit, which shall remain at a safe distance behind the primary unit but close enough to provide support and communicate with dispatch. Backup units as needed shall operate at a safe distance to provide support.

C. Responsibilities of the Primary Unit

1. The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch:
 - a) unit identification.
 - b) offense for which the suspect is being pursued.
 - c) suspect vehicle description, including license number if reasonably possible.
 - d) location, direction, and speed of both vehicles.

- e) description of occupant(s) and if suspect is known to officer.
 - f) any other important information about the suspect vehicle or environment (for example: suspect is traveling without lights, officer loses sight of vehicle, etc).
2. Based on the known information, the supervisor shall make the decision to either take further appropriate action or terminate the pursuit.
 3. No officer will intentionally make vehicle-to-vehicle contact unless in conformance with agency policy on use of force (see agency policy on use of force).
 4. Roadblocks established must conform to the policy on use of force.
 5. Only police vehicles with emergency lights and siren will be used as pursuit vehicles.

D. Supervision of Pursuit Activities

1. Each agency shall outline their procedures regarding who has control over pursuit activities.
2. Procedures regarding control over pursuit activities should:
 - a) reference who should be notified that a unit has become involved in a pursuit;
 - b) reference who critical information necessary to evaluate the continuation of the pursuit should be directed to;
 - c) indicate who has the authority to terminate any pursuit.
3. Options to keep in mind during a pursuit include, but are not limited to the following:
 - a) in cases involving wrong-way drivers, parallel pursuits may be used;
 - b) notification of the next jurisdiction is encouraged;
 - c) channeling techniques may be used;
 - d) creating a compelling path
4. Post-pursuit chain of command notifications are required and should be identified in each agency's policy.

E. Dispatch Responsibilities

Dispatch shall coordinate critical information, both as timely and accurately as possible.

F. Factors Influencing the Termination of a Pursuit:

The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect, and shall consider terminating the pursuit when:

1. The conditions of the pursuit become too risky for the safe continuation of the pursuit.
2. A supervisor orders it terminated.

3. Information is communicated that indicates the pursuit is out of compliance with policy.
4. Communication is broken.
5. Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
6. The suspect is known and could be apprehended later, and to delay apprehension does not create a substantial known risk of injury or death to another.

G. Interjurisdictional Pursuit

1. The primary unit, before leaving its jurisdiction, shall update critical information to the dispatcher.
2. The primary police vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers their authority to another jurisdiction.
3. Upon receiving notification that the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
4. When a pursuit enters this department's jurisdiction:
 - a. the dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the department;
 - b. the controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.

H. Air Support

Once contact is made with air support and air support has suspect vehicle in sight, the primary pursuit unit shall reduce the level of pursuit to that of support or other backup unit.

I. Care and Consideration of Victims

1. If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the peace officer's dispatcher to have the appropriate emergency units respond.
2. The primary pursuit unit will be responsible for ensuring that assistance is provided to people who may have been injured during the course of a pursuit. The primary pursuit unit may delegate the responsibility to render the assistance to a specific support or backup unit when they are immediately available to render assistance.

J. Pursuit Summary Report

1. The primary officer and the supervisor shall file a pursuit summary report.

2. To ensure compliance with Minn. Stat. 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the incident.
3. The report must contain the following elements:
 - a) the reason(s) for, and the circumstances surrounding the incident;
 - b) the alleged offense;
 - c) the length of the pursuit including time and distance;
 - d) the outcome of the pursuit;
 - e) any injuries or property damage resulting from the incident; and
 - f) any pending criminal charges against the driver.

K. Evaluation and Critique

After each pursuit, the supervisor and department units involved with the pursuit will evaluate the pursuit and make recommendations to the chief law enforcement officer on ways to improve the department's pursuit policy and tactics.

ALLEGATIONS OF MISCONDUCT MODEL
POLICY

MN RULES 6700.2200 through 6700.2600

I. PURPOSE

The purpose of this policy is to inform all employees and the public of procedures for reporting, receiving, investigating and disposition of complaints regarding the conduct of licensed peace officers of the Dawson Boyd Police Department. The provisions of this policy are applicable only to the investigation and the disposition of allegations of administrative misconduct. This policy does not apply to a criminal investigation.

II. POLICY

It is the policy of the Dawson Boyd 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.

III. DEFINITIONS

For the purpose of this policy, the terms set forth below are defined as follows:

- A. *Administrative Investigation:*** An internal investigation conducted in response to a complaint with the goal of determining whether an employee engaged in misconduct.
- B. *Chief Law Enforcement Officer*** means the chief of police, sheriff, state law enforcement director or designee. Within this model policy, the chief law enforcement officer will be referred to as CLEO.
- C. *Law Enforcement Officer*** means an individual who holds a peace officer license in the State of Minnesota. Within this model policy, a law enforcement officer will be referred to as LEO.
- D. *Complainant*** means a person who submits a complaint to the Agency or CLEO alleging misconduct by an agency member.
- E. *Complaint*** means a statement alleging behavior that constitutes misconduct.
- F. *Member*** means all voluntary and compensated personnel of the agency.

G. *Discipline* means any of the following or combination thereof:

- Oral Reprimand
- Written Reprimand
- Suspension
- Demotion
- Discharge

H. *Unfounded* means there is no factual basis for the allegation. The act or acts alleged did not occur.

I. *Exonerated* means a fair preponderance of the evidence established that either:

1. the agency member named in the complaint was not involved in the alleged misconduct; or
2. the act(s) that provided the basis for the complaint occurred; however, the investigation revealed that such act(s) were justified, lawful or proper.

J. *Not Sustained* means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

K. *Sustained* means a fair preponderance of the evidence obtained in the investigation established that the LEO's actions constituted misconduct.

L. *Policy Failure* means that the complaint revealed a policy failure. The allegation is factual and the LEO(s) followed proper agency procedure, however, that procedure has proven to be deficient.

M. *Respondent* means an individual who is the subject of a complaint investigation.

N. *Misconduct* means:

1. a violation of an agency policy or procedure governing conduct of agency members;
2. conduct by a peace officer that would be a violation of POST Standards of Conduct per Minn. Rules 6700.1600

O. *Policies and Procedures* mean the administrative rules adopted by the agency regulating the conduct of agency members.

P. *Receiving Authority* means the entity who receives and is required to investigate the complaint when the subject of the complaint is a CLEO.

IV. PROCEDURE

A. ACCEPTANCE AND FILING OF COMPLAINTS

1. Complaint forms must be made available through agency personnel, at designated public

facilities, and online.

2. 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.
3. 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.
4. Employees must provide assistance to individuals who express the desire to lodge complaints against any employee of this agency.
5. The complainant must be advised of the procedures for submitting the complaint and provided with a copy of their submitted complaint.
6. 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.
7. 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.
8. A CLEO or Receiving Authority may delegate the duties and responsibilities required of a CLEO by this policy to an appropriate designee(s).
9. 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.
10. The city administrator, manager, mayor, county attorney, county administrator or board of county commissioners 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.

B. INVESTIGATION OF A COMPLAINT

1. Upon receipt of the complaint, the CLEO must make an initial determination as to whether or not the facts alleged require an administrative investigation. If 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. 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.
2. 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, the investigation will be assigned to an external agency that has no discernible conflict of interest.

3. 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.
4. 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.
5. 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.
6. The investigator must prepare a report that contains all relevant information organized into the following three (3) sections:
 - *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.
 - *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.
 - *Conclusions:* The investigator's findings and conclusions as to whether any misconduct occurred and the underlying reasons for the findings and conclusions.
7. The investigation must be completed within thirty (30) days of the filing of the complaint unless the CLEO or Receiving Authority determines there is good cause to grant an extension. The complainant and respondent must be informed of any extension.

C. ADDITIONAL INVESTIGATION, REVIEW AND DISPOSITION

1. Upon completion of the investigation, the investigator must submit the report, case file and all investigative notes to the CLEO or Receiving Authority. The CLEO or Receiving Authority may require additional investigation or make one of the following decisions:
 - Unfounded
 - Exonerated
 - Not Sustained
 - Sustained
 - Policy Failure

2. 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.
 3. If the decision is “unfounded,” “exonerated,” “not sustained” or “policy failure” the CLEO or Receiving Authority must immediately notify the complainant and the respondent of the decision.
 4. If the complaint is “sustained” the CLEO or Receiving Authority will:
 - Issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations and procedures violated; and
 - Take appropriate remedial and/or disciplinary action.
 - Advise the complainant of any public information regarding the disposition
 5. 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
1. The investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.
 2. When a “sustained” disposition is final the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

D. 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.”
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.

E. POST BOARD REPORTING REQUIREMENTS

1. 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.

2. 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.
3. 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.
4. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.
5. 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.

PROFESSIONAL CONDUCT OF PEACE OFFICERS POLICY

Minnesota Statutes, Section 626.8457

POLICY

It is the policy of the Dawson Police Department to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

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.

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.

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, and sex, and marital status, 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, sex, and marital status, 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, while on duty/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 as defined under Minnesota law, constitute sexual assault or indecent exposure. 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 shall not, in the course of performing their duties, 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 otherwise 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, fellow 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, or 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: (1) for personal or financial gain, for themselves or another person; (2) for obtaining privileges not otherwise available to them except in the performance of duty; and (3) for 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 be reasonably 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, or 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 the officer's actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

a) A peace officer shall, unless required by law or policy, 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) A peace officer shall, unless required by law or policy, 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 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 Statutes, Section 626.89, Peace Officer Discipline Procedures Act and

the law enforcement agency's policy on Allegations of Misconduct as required by POST Board Rules, *MN Rules*, Chapters 6700.2000 to 6700.2600.

RESPONSE TO REPORTS OF MISSING AND ENDANGERED CHILDREN MODEL POLICY

Minnesota Statutes, Section 626.8454, Subdivision 3.

I. POLICY

It is the policy of the Dawson Police Department to establish guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered children as defined in MN Statutes, Chapter 299C.52, subd. 1 (c) and (e) ("Minnesota Missing Children Program"). Although this is a model policy, some procedures are mandatory. **The mandatory procedures are highlighted in bold print.**

This policy addresses *only* those investigations where the child has been determined to be both missing and endangered.

The Dawson Police Department recognizes that there is a critical need for immediate and consistent response to reports of missing and endangered children. The decisions made and actions taken during the preliminary stages have a profound affect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered children. All peace officers employed by this agency will be informed of and comply with the following required procedures.

After this agency has received a report of a missing child, obtained the basic facts of the case, descriptions of the missing child and abductor (if known), and determined that there is sufficient evidence to believe that the child is endangered, the agency will respond according to the following five types of general procedures:

- Initial Response
- Initial Investigation
- Investigation
- Prolonged Investigation, and
- Recovery/ Case Closure.

The facts surrounding each missing and endangered child report will dictate when the procedures are warranted and what the order and priority should be within each of the five categories. However, each of the procedures must be carried out immediately as circumstances warrant and many of the steps will need to be done simultaneously.

II. DEFINITIONS

- A. *Missing*:** "the status of a child after a law enforcement agency that has received a report of a missing child has conducted a preliminary investigation and determined that the child cannot be located" (MN Statutes, Chapter 299C.52, subd. 1 (c)).

- B. *Endangered*: “a law enforcement official has received sufficient evidence that the child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child” (MN Statutes, Chapter 299C.52, subd. 1 (e)).
- C. *Child*: “any person under the age of 18 years or any person certified or known to be mentally incompetent” (MN Statutes, Chapter 299C.52, subd. 1 (a)).
- D. *Sufficient Evidence*: facts and circumstance which would induce a reasonably prudent peace officer to believe that a crime has been or is about to be committed.
- E. *NCIC*: the National Crime Information Center
- F. *CJIS*: the Criminal Justice Information System

III. PROCEDURES

A. INITIAL RESPONSE

1. Dispatch an officer to the scene to conduct a preliminary investigation.
2. Obtain interpretive services if necessary.
3. Interview parent(s) or the person who made the initial report.
4. Determine when, where, and by whom the missing child was last seen.
5. Interview the individual(s) who last had contact with the child.
6. Obtain a detailed description of the missing child, abductor, vehicles, etc.
7. **Load the NCIC Missing Person File (involuntary category) with complete descriptive and critical information regarding the missing and endangered child.**
8. **Load the NCIC system with complete descriptive information regarding suspects(s).**
9. Request investigative and supervisory assistance.
10. Update additional responding personnel.
11. Broadcast known details on all police communication channels to other patrol units, other local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use the National Law Enforcement Telecommunications Systems (NLETS) and the Minnesota Crime Alert Network to alert state, regional, and federal law enforcement agencies.
12. Notify the family that crime victim services are available, and give the family the Crime Victim Services card.
13. Secure the crime scene, do not allow individuals to leave the area until interviewed, and try to determine if anyone may have left prior to the arrival of law enforcement.

14. Activate protocols for working with the media.
15. **As required by MN Statutes, Chapter 299C.53, subd. 1, contact the Bureau of Criminal Apprehension regarding the incident. Request assistance as necessary.**
16. Implement multi-jurisdictional coordination / mutual aid plan as necessary; i.e.:
 - a) when the primary agency has limited resources;
 - b) when the investigation crosses jurisdictional lines; and
 - c) when jurisdictions have pre-established task forces or investigative teams.

B. INITIAL INVESTIGATION

1. Conduct a neighborhood/vehicle canvas.
2. Arrange for use of helpful media coverage.
3. Maintain records of telephone communications/messages.
4. Ensure that everyone at the scene is identified and interviewed separately.
5. Search the home or building where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.
6. Assign a trained and/or experienced investigator whose duties will include coordination of the investigation.

C. INVESTIGATION

1. Begin setting up the Command Post/Operation Base away from the child's residence. Know the specific responsibilities of the Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer, Support Unit Coordinator, and two liaison officers (one at the command post and one at the victim's residence). The role of the liaison at the home will include facilitating support and advocacy for the family.
2. Establish the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for agency use.
3. Compile a list of known sex offenders in the region.
4. In cases of infant abduction, investigate claims of home births made in that area.
5. Obtain child protective agency records for reports of abuse on the child.
6. Review records for previous incidents related to the missing child and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
7. Obtain the child's medical and dental records.

8. Update the NCIC missing person file with any additional information regarding the child or suspect as necessary.
9. Interview delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
10. Contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
11. Determine if outside help is necessary and utilize local and state resources related to specialized investigative needs, including:
 - a) Crime Victim Advocates,
 - b) Minnesota Bureau of Criminal Apprehension,
 - c) Federal Bureau of Investigation,
 - d) County Attorney,
 - e) Customs Investigative Services,
 - f) Minnesota State Patrol,
 - g) Minnesota Crime Alert Network,
 - h) Investigative experts in the areas of sexual assault, child maltreatment, and/or homicide.
 - i) Searches:
 - Ground Searches – personnel, vehicles, and/or mounted patrols
 - Canine assisted
 - Water and underwater searches
 - Air searches
 - j) Investigative Resources:
 - Child interviewing
 - Polygraph
 - Profiling/behavioral analysis
 - MN Sex and Violent Crime Analysis Programs
 - Crime analysis/computer assistance
 - Forensic artistry/Crime scene and evidence processing
 - Memory retrieval
 - k) Interpretive Services
 - l) The Department of Natural Resources
 - m) Telephone Services (traps, traces, etc.)
 - n) Media Assistance (Local and National)

D. PROLONGED INVESTIGATION

1. Develop a profile on the possible abductor.
2. Consider the use of a polygraph for the parents and other key individuals.
3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals, and re-examine all physical evidence collected.
4. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone identified in the investigation.

5. Develop a time-line and other visual exhibits.
6. Critique the results of the on-going investigation with appropriate investigative resources.
7. Arrange for periodic media coverage.
8. Utilize rewards and crime-stoppers programs.
9. Update NCIC Missing Person File information as necessary.
10. Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.

E. RECOVERY/CASE CLOSURE

1. Arrange for a comprehensive physical examination of the victim.
2. Conduct a careful interview of the child, document the results of the interview, and involve all appropriate agencies.
3. Refer family for effective reunification assistance.
4. Cancel alarms and remove case from NCIC and other information systems, and remove posters and other publications from circulation.
5. Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

DOMESTIC ABUSE RESPONSE AND ARREST POLICY

Minnesota Statutes, Section 629.342

I. POLICY

It is the policy of the Dawson Police Department to 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 ensuring its peace officers understand the laws governing this area.

Peace officers will utilize this policy in response to calls when there may be domestic abuse. This policy prescribes courses of action peace officers should take in response to a domestic call. 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.

II. DEFINITIONS

For the purposes of this policy, the words and phrases in this section have the meanings given to them, unless another intention clearly appears.

Domestic Abuse means (i) physical harm, bodily injury, assault, or the affliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (ii) terroristic threats (MN Statutes, Section 609.713, subd. 1) or criminal sexual conduct in the first through fourth degree, committed against a family or household member by a family or household member. (MN Statutes, Section 518B.01, subd. 2(a)).

Domestic Abuse Program means a public or private intervention project or advocacy program, which provides support and assistance to the victims of domestic abuse.

Child means a person under the age of 18.

Family or Household Member means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a 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.

Domestic Call means a request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family or household member.

- F. Qualified domestic violence-related offense (QDVRO)** refers to prior convictions for violation of an OFP (Order for Protection) or HRO (Harassment Restraining Order), assault in the first through fifth degree, domestic assault, criminal sexual conduct in the first through fourth degree, malicious punishment, terroristic threats or harassment/stalking. If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher-level crime. (See Domestic Abuse Enhancement chart appended hereto.) The QDVRO includes violations of similar laws in other states or under federal or tribal law.
- G. Order for Protection** is a court order that protects a victim from domestic abuse. Any family or household member may ask the court for an order for protection. A protection order may include: stop domestic abuse, no direct or indirect contact with petitioner, no stalking, evicting the respondent, housing for the petitioner when the respondent is the sole owner or lessee, temporary custody of minor children, financial support, and counseling.
- H. Restraining Order** is a temporary order of a court to preserve current conditions as they are until a hearing is held at which both parties are present. A restraining order may be issued in a divorce matter to prevent taking a child out of the county or to prohibit one of the parties from selling marital property. Also, a person who is a victim or harassment may seek a restraining order.
- I. No Contact Order or Harassment/Stalking Restraining Order** is an order issued when a petitioner requests a court order preventing another person from having contact with them or when a criminal charge has been filed with the court for the protection of someone. These orders generally prohibit all contact of any kind (including, but not limited to, phone calls, letters, e-mail and contact through a third party) and may limit the respondents ability to come within a certain distance of someone's home, work or school. A no contact order can be issued by the court even if the people involved want to have contact and object to the order. This type of order can be issued no matter what the relationship between the individuals involved. Violating these orders is a crime.
- J. Harassing** means to engage in intentional conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted or intimidated AND causes this reaction on the part of the victim.
- K. Stalking** is a crime of harassment. Generally a person commits the offense of stalking if he or she makes a credible threat to another person and, in connection with the threat, repeatedly follows that person or repeatedly makes any form of communication with that person or a member of that person's immediate family, whether or not a conversation occurs.

III. PROCEDURE

A. DISPATCHING THE CALLS

1. **Receiving the Domestic Call:** Upon receiving a domestic call, the dispatcher will assign the call a high priority and should assign at least two officers to a domestic call. If only one officer is available, all reasonable attempts should be made to obtain another officer to assist the officer who was initially dispatched.
2. **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.
 - the nature of the incident,
 - the address of the incident, including apartment number, if applicable,
 - the telephone numbers where the caller can be reached,
 - whether weapons are involved or present in the dwelling,
 - whether someone is injured and the nature of the injury,
 - information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.,
 - relationship between the caller and the suspect,
 - whether there has been prior calls involving these individuals,
 - whether there is an order for protection, harassment restraining order (HRO) or criminal pre-trial or probationary no contact order (NCO).¹
 - whether children are present at the scene,
 - whether there are non-English speaking people, or people with mobility impairments or hearing impairments.

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible and should tell the caller that help is on the way, and when the caller can expect the peace officer to arrive.

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 officer.

If the responding peace officers are some distance away, and the dispatcher cannot remain on the telephone with the call/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 was recently available suddenly cannot be reached by phone or there is a persistent busy signal, the dispatcher should relay that information to the officers.

B. RESPONDING TO THE CALLS

¹ When a pre-trial no contact order is issued in connection with a pending domestic abuse prosecution or when a probationary no contact order is issued as a condition of probation after conviction for a domestic abuse offense, this is now designated as a Domestic Abuse No Contact Order. Violation of such an order is a misdemeanor. MN Statutes, Section 518B.01, subd. 22.

1. **Driving to the Scene:** The peace officers should respond directly and without unreasonable delay to the scene.
2. **Initial Contact with Occupants:** Upon arriving at the scene of a domestic call, the responding officers should identify themselves as peace officers; explain their presence, and request entry into the home. The officers should ask to see the person who is the alleged victim of the call. If the person who called the law enforcement agency is someone other than the subject of the call, the officer should not reveal the caller's name. The officer should ensure all of the occupants are safe.
3. **Entry**
 - Refused – If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused, the officers should request the dispatcher to contact the caller.
 - 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.
 - Search Warrant Entry – If the officers are refused entry and have no legal grounds for forced entry and they have reasonable grounds to believe a crime has been committed, they should contact the appropriate authority to obtain a search warrant.
4. **First Aid:** After securing the scene, the responding peace officers shall provide the necessary first aid.

C. ARREST DECISIONS

1. **Making Arrests:** After securing the scene and providing any first aid, the peace officers will conduct an assessment of the lethality of the situation based on the totality of the circumstances and begin a criminal investigation to determine if there is probable cause to believe that a crime has been committed based on the evidence and not solely 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 statements from the involved parties and witnesses. Some of the evidence and statements include:
 - condition of clothing,
 - property damage,
 - evidence of physical injury including strangulation
 - excited utterances of the victim and the suspect,
 - demeanor of the victim and the suspect,
 - medical records including the victim's statements to paramedics, nurses and doctors,
 - interviews of witnesses including the children who may have been present,
 - evidence of any prior domestic abuse – related convictions including dates, and
 - any existing orders for protection, harassment restraining order or no contact orders.

NOTE: When determining probable cause, the peace officers should consider their observations and any statements by parties involved and any witnesses. Prior convictions may provide the basis for enhancement to a gross misdemeanor or even felony charges (see **D** below).

2. Factors *not* to be Considered in Making the Arrest:

- ownership, tenancy rights of either party, or the fact the incident occurred in a private place,
 - belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction,
 - verbal assurances that the abuse will stop,
 - disposition of previous police calls involving the same victim or suspect,
 - denial by either party that the abuse occurred, when there is evidence of domestic abuse,
 - lack of a court order restraining or restricting the suspect,
 - concern about reprisals against the victim,
 - adverse financial consequences that might result from the arrest, or
 - chemical dependency or intoxication of the parties.

3. Primary Aggressor and Dual Arrests: The agency shall discourage dual arrest². Where there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude that one of the parties is the primary aggressor based on the following criteria and the officer's judgment:

- comparative extent of any injuries inflicted,
- fear of physical injury because of past or present threats,
- actions taken in self-defense or to protect oneself,
- the history of domestic abuse perpetrated by one party against the other, or
- existence or previous existence of order for protection.

4. Victim Request not to Prosecute: If the officer finds probable cause to believe a domestic abuse offense has been committed and intends to arrest but the victim requests no arrest or prosecution, the officer should inform the victim that the decision to arrest is the officer's and the decision to prosecute lies with the prosecutor.

D. AUTHORITY AND TYPES OF ARREST

1. Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault: Although the general rule is that officers may not make probable cause arrests for misdemeanors unless the offense occurs in their presence (or a citizen who saw the crime requests an arrest) domestic assault is an exception. A peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person within the preceding 24 hours has assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person covered by the "family or household member" definition (See II.D), even if the assault did not take place in the presence of the peace officer (MN Statutes, Section 629.341). A peace officer acting

² MN Statutes, Section 629.342 which mandates the development of a written domestic abuse arrest policy for every law enforcement agency in the state specifies that the policy "shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated."

in good faith and exercising due care in making an arrest pursuant to this statute is immune from civil liability that might result from the officer's action.

NOTE: An arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting the individual's spouse or other individual with whom the charged person resides (MN Statutes, Section 629.72).

2. Level of Arrest for Assault 5 and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony: Assault in the Fifth Degree and Domestic Assault are deemed misdemeanor offenses. However, recent changes in the statutes have greatly increased the potential for arrests for these crimes at the gross misdemeanor and even felony level.

- a) *Gross Misdemeanors:* MN Statutes, Section 609.224, subd. 2(a), Assault in the Fifth Degree, provides for an **enhancement to a gross misdemeanor** violation when the offense is against the **same victim** within five years of discharge from sentence for a previous conviction for assault, criminal sexual conduct in the first through fourth degree, or terroristic threats in Minnesota, or any similar law of another state.

If the charge is Domestic Assault (MN Statutes, Section 609.2242) and the current victim is a family or household member and the crime occurs within 5 years of discharge from sentence for conviction of any of the above offenses against **any family or household member**, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the **same** family or household.

If there is a prior conviction for assault or terroristic threats against **any person** within two years, a gross misdemeanor may also be charged.

- b) *Felonies:* As of August 1, 1993, if a person commits Assault in the 5th Degree within 5 years of discharge from sentence for the **first of two or more convictions** of assault, criminal sexual conduct in the first through fourth degree or terroristic threats against the **same victim**, Assault 5 becomes a felony. The same enhancement applies to Assault 5 against **any** victim occurring within two years of the first of two or more of these convictions.

Domestic Assault (against a family or household member) is also enhanceable under the same circumstances except that the prior convictions may be against **any** family or household member.

The new language "within five years of **discharge from sentence**", in effect extends the reach back for previous convictions to 7 ½ years.

Example: Defendant arrested for Assault 5 on 1/1/98, sentenced on 6/1/98 and placed on two years probation. This offense remains good for enhancement purposes until 6/1/2005.

3. Harassment/Stalking (MN Statutes, Section 609.749): Effective July 1, 1993, Minnesota enacted a stalking statute, which created new crimes at both the felony and gross misdemeanor levels. The statute also supersedes and repeals certain

previously misdemeanor offenses. The acts covered by MN Statutes, Section 609.749 include several which are frequently applicable to domestic abuse situations even when no actual assault occurred.

The 1997 Legislature amended the stalking statute to clarify language the Minnesota Supreme Court found ambiguous in the 1993 law while still maintaining the basic structure of the 1993 law.

- a) *Gross Misdemeanors:* Current law (effective 5/7/97) makes it a gross misdemeanor to harass another person by committing any of the following acts. A person who:
- directly or indirectly manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
 - stalks, follows or pursues another;
 - returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
 - repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;
 - makes or causes the telephone of another repeatedly or continuously to ring;
 - repeatedly mails or delivers or causes the delivery of letters, telegrams, messages, packages, or other objects; or
 - engages in any other harassing conduct that interferes with another person or intrudes on the person's privacy or liberty.

MN Statutes, Section 609.749, subd. 1 (as amended by the 1997 Legislature) defines "harass" as meaning "to engage in intentional conduct which (1) the actor **knows or has reason to know** would cause the victim **under the circumstances** to feel frightened, threatened, oppressed, persecuted or intimidated; and (2) causes this reaction on the part of the victim.

The 1997 Legislature also specifically declared that in stalking/harassment prosecutions, the State does **not** have to prove the actor **intended** to cause the victim to feel frightened, threatened, oppressed, persecuted or intimidated (MN Statutes, Section 609.749, subd. 1a.).

What the defendant claims his/her intent is therefore immaterial as long as **objectively** he **should have known** (i.e., a reasonable person would know) his/her acts would harass the victim and, in fact, the victim did feel the best position to make this objective assessment. Obtaining a complete domestic abuse history is usually the key to making the determination that the current act, **under the circumstances**, constitutes the crime of harassment.

- b) *Felony Enhancement:* Any of the above gross misdemeanors is enhanceable to a felony if committed within 10 years of discharge from sentence for a prior conviction for harassment, assault (any degree), violation of an OFP or harassment order or terroristic threats **OR** if committed against a juvenile **OR** if committed while possessing a dangerous weapon.
- c) *Pattern of Harassing Conduct:* In addition, it is a felony to engage "in a pattern of harassing conduct with respect to a single victim or one or more members of a

single household which the actor **knows or has reason to know** would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction” in the victim. MN Statutes, Section 609.749, subd. 5 (as amended by the 1997 Legislature). A “pattern of harassing conduct” means 2 or more acts (convictions are not necessary) within a 5 year period that constitute any of the following offenses: Harassment, terroristic threats, assault, violation of an order for protection or harassment order, trespass, harassing phone calls, or mail, or criminal defamation.

NOTE: The harassment statute makes it more important than ever to document not just the facts of the current police call but also the history of abuse or harassment.

4. **Probable Cause Warrantless Arrest:** The domestic abuse arrest statute (MN Statutes, Section 629.72) has been amended to provide that the officer may **not** issue a citation in lieu of arrest in harassment/stalking cases. An officer may also make a warrantless probable cause arrest for harassment even if the offense did not occur in the officer’s presence. MN Statutes, Section 629.34, subd. 1 (c)(5).
5. **Probable Cause Felony Arrests for Other Crimes:** At a domestic call, peace officers shall consider whether other felonies have been committed including but not limited to burglary, felony assault, terroristic threats, kidnapping, false imprisonment, and witness tampering.

NOTE: An Assault 5 may be chargeable as burglary in the first degree even if the home is also the offender’s, if the entry is made without consent of the victim and in violation of an OFP barring the offender from the premises.

6. **Violation of Court Orders:** The peace officer shall verify whether any of the following orders exist before or during an arrest. The peace officer or someone acting at the officer’s direction may make this verification. Methods of verification include personally seeing a copy of the order or obtaining verification from the court or law enforcement agency that has the actual order. The police report shall include identifying information of the specific court order violated, including county of origin, the file number, and the provision allegedly violated.
 - a) *Order for Protection:* A peace officer shall arrest and take into custody without a warrant a person who the peace officer has probable cause to believe has violated the restraint or exclusion section of an order for protection granted pursuant to MN Statutes, Section 518B.01, subds. 6, 7, and 9. 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.

NOTE: There are three key points related to the Order for Protection: (1) The law requires an arrest regardless of whether or not the excluded party was invited back to the residence. (2) There is no hour limitation for a warrantless arrest for a violation of an Order for Protection. (3) If there is evidence that an individual has violated another provision of an Order for Protection, other than the restraint or exclusion clauses, a police report should be submitted to the prosecutor indicating specifically how the order was violated.

A violation of an Order for Protection is a misdemeanor but is enhanceable to a **gross misdemeanor** if the offense occurs within 5 years of discharge from sentence for conviction of violation of an OFP **or** (effective for crimes occurring on and after 8/1/94) for any conviction of assault, terroristic threats, violation of a harassment order or harassment/stalking. As of 8/1/97, it is enhanceable as a **felony** if it occurs within 5 years of discharge of the first of two or more such convictions.

As of January 5, 1998, a statewide law enforcement computer verification system for domestic abuse orders for protection will be on line including the phone number of the controlling agency (the law enforcement agency with a copy of the actual OFP). The system will also make it possible to identify respondents against whom an OFP has been issued but not served.

- b) *Harassment Restraining Order*: A peace officer shall arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order pursuant to MN Statutes, Section 609.748, subs. 4 and 5, if the officer can verify the existence of the order.

NOTE: A person who violates a harassment restraining order is guilty of a misdemeanor if the violator knows of the order. This offense is enhanceable of a **gross misdemeanor** if it occurs within 5 years of discharge from sentence for a previous conviction for violation of a harassment order or an OFP or any assault, harassment/stalking or terroristic threats conviction. As of 8/1/97, it is enhanceable to a **felony** if it occurs within 5 years of discharge of the first of 2 or more such convictions.

- c) *No Contact Order*: As of August 1, 1993, an officer may arrest without a warrant any person who s/he has probable cause to believe has violated the provisions of a no contact or restraining order issued by a court. MN Statutes, Section 629.34, subd. 1(6).

In many jurisdictions, pretrial no contact orders are routinely issued in crimes against persons cases, including domestics, and are valid until final disposition of the case (sentencing or dismissal).

The pretrial order is frequently replaced at the time of sentencing with a new no contact order issued as a condition of probation. This no contact order may be valid for the full probationary period indicated in the order.

The court may rescind a no contact order at any time. However, the production of the victim of a copy of an apparently valid court order, absent contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

- 7. **Other Misdemeanors:** At a domestic call, the peace officer shall consider whether other crimes have been committed including but not limited to trespassing, criminal damage to property, disorderly conduct, witness tampering, or assault.

E. ASSISTANCE, STAYING AT THE SCENE, CRIME VICTIM RIGHTS, AND SERVICES

- 1. Staying at the Scene:** If an arrest does not occur, peace officers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated. If a domestic abuse intervention program is available, the peace officer should make contact for immediate intervention.

NOTE: MN Statutes, Section 629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim including obtaining necessary medical treatment and providing the victim with the notice of rights pursuant to MN Statutes, Section 629.341, subd. 3.

- 2. Assistance to Non-English Speaking Victims or Victims with Communication Disabilities:** The peace officer shall use the resource list established by the law enforcement agency to contact a person to assist 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. The officer should avoid the use of friends, family or neighbors serving as the primary interpreter for the investigation.
- 3. Notice of Crime Victims Rights:** The peace officer shall give the victim of a domestic call a copy of the agency's crime victim notification form.

NOTE: It is important to routinely review these forms to ensure that they are current, in compliance with the law, and contain the name of the local domestic abuse program. The Department of Public Safety, Crime Victim and Advisory Council, produces the crime victim's rights notice and serves as the contact for the victim's rights information.

- 4. Services:** The peace officer should contact the local domestic abuse program by phone as soon as possible on all arrest situations and provide the name and address of the victim and a brief factual account of events associated with the action. This section shall not apply if prohibited by the Minnesota Government Data Practices Act (MN Statutes, Section 13.82, subd. 10).

F. CHILDREN

- 1. Child Victims:** If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of MN Statutes, Section 626.556, Reporting of Maltreatment of a Minor. The officers shall also attempt to verify whether there has been an Order for Protection (MN Statutes, Section 260C.201). If the child **has been injured**, the officer should escort the child to the nearest hospital for treatment.

G. REPORTS AND FORMS

- 1. Written Report:** Peace officers shall make a report after responding to a domestic call. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report should include the following:

- detailed statements from the victim, suspect and witnesses;
- description of injuries;
- information about past abuse;
- description of the scene;
- primary aggressor;
- existence of language barriers;
- presence of elderly victims or those with disabilities; and
- documentation of evidence.

H. FURTHER INVESTIGATION

1. A domestic call shall be turned over to the appropriate investigator for further follow-up if appropriate. If there is an arrest, the investigator shall determine the defendant's criminal record, and if there is evidence of a previous conviction, the peace officer should advise the prosecutors of any enhanced criminal sanctions which may be available.
2. Notwithstanding the fact that the officer has decided not to arrest one of the participants in the domestic call, the peace officer shall thoroughly document all relevant information in the report and shall refer the report to the appropriate prosecutor for review and consideration of criminal charges.

DOMESTIC ABUSE ENHANCEMENTS

<u>New Offense</u>	<u>Assault</u>	<u>Time Limit</u>	<u>Prior Conviction</u>	<u>New Offense Lvl</u>
Assault 5	Same victim	W/in 5 yrs. discharge	Assault 1-5, DA, CSC 1-4 or Terr. Threats	GM
	Any victim	W/in 2 yrs. discharge	Assault 1-5, DA or Terr. Threats	GM
	Same victim	w/in 5 yrs. Discharge of 1 st of 2 or more convictions	Assault 1-5, DA, CSC 1-4 or Terr. Threats	F
	Any victim	W/in 3 yrs. Discharge Of 1 st of 2 or more conviction	Assault 1-5, DA or Terr. Threats	F
Domestic Assault (DA)	Family/ Household member	W/in 5 yrs Discharge	Assault 1-5, DA, CSC 1-4 or Terr. Threats	GM
	Family/ Household member	W/in 5 yrs. Discharge of 1 st of 2 or more convictions	Assault 1-5, DA, CSC 1-4 or Terr. Threats	F
Violation of OFP or HO	Any victim	W/in 5 yrs. Discharge	Viol. ofp/ho, Assault 1-5, DA, Terr Threats or Harassment	GM
	Any victim	W/in 5 yrs. Discharge of 1 st of 2 or more convictions	Viol.ofp/ho, Assault 1-5, DA, Terr Threats or Harasmnt	F
Harassment	Any victim	W/in 10 yrs. Discharge	Same as above	F
Interference W/Privacy	Any victim	none	Interfere w/privacy or harassment	GM

ENHANCEMENT REACHBACK

Conviction = plea of guilty or verdict of guilty accepted by court (D.S. 609.02, subd.5)

Time between conviction and “the end of five years following discharge from sentence for that conviction”.

Example:	Arrest for assault 5	1/1/98
	Plea (accepted) to assault 5	6/1/98
	Sentence of 2 yrs. Probation	8/1/98
	Discharge from sentence	8/1/2000
	Expiration of reachback	8/1/2005

PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION POLICY

Minnesota Statutes, Sections 243.166, 243.167, 244.10, 244.052, 244.053, and Minnesota Statutes, Chapter 13

I. POLICY

It is the policy of the Dawson Police Department to protect the public by disclosing information on predatory offenders residing in this agency's community

II. DEFINITIONS

A. Predatory Offender Registration and Community Notification

Minnesota law requires certain predatory offenders to register with the Minnesota Department of Public Safety Predatory Offender Unit. The law also provides for community notification about certain adult predatory offenders who have been incarcerated by the Minnesota Department of Corrections (DOC) or confined by the Minnesota Department of Human Services (DHS).

B. Offender Risk Levels

The level of notification is governed by the level of risk assigned by the DOC.

Three possible risk levels can be assigned to an offender. They are:

- Level 1 – low risk of re-offending
- Level 2 – moderate risk of re-offending
- Level 3 – high risk of re-offending

Note: Some offenders who are required to register as predatory offenders are not assigned a risk level because their sentence was completed prior to predatory offender legislation or because they have not spent time in state or federal prison. These offenders are not subject to community notification.

III. REGISTRATION PROCEDURES

For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration Manual (POR Manual) for detailed information, or contact the Predatory Offender Unit (BCA-POR) by calling (651) 793-7070 or 1-888-234-1248, or through their website at www.dps.state.mn.us/bca.

When an offender arrives to register with this agency, determine what state the offense was committed in and if the individual is required to register by reviewing the list of registrable offenses in the POR Manual.

If the offender is required to register, contact the BCA POR to verify the offender is already registered and a DNA sample has been submitted.

- If the offender is already registered, complete a *Change of Information Form* included in the POR Manual and available on the BCA's website www.dps.state.mn.us/bca.

- If the offender is not registered, complete a *Predatory Offender Registration Form* included in the POR Manual.
- If the offender is from another state, contact the state (information for each state is listed in the POR Manual) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

It is recommended the agency verify the address of offenders living in their community.

- If the offender is not living at the registered address, contact the BCA-POR to determine if a *Change of Information Form* was submitted. If it was not, the offender may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA-POR to request a prosecution packet. Submit the packet to the county attorney's office to file a formal charge.

Note: It must be verified that the offender is no longer residing at his/her last address prior to submitting the prosecution packet for charging. Depending on the county attorney, formal statements may be needed from friends, co-workers, neighbors, caretakers, etc.

IV. COMMUNITY NOTIFICATION PROCEDURES

For questions regarding community notification or the risk level assigned to an offender contact the Risk Assessment/Community Notification Unit of the Department of Corrections (DOC RA/CN Unit) at 651-361-7340 or at notification.doc@state.mn.us. The DOC will answer questions about the notification process and agency responsibilities. The DOC is also available to assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction.

Attached to this policy are examples of forms that are provided to law enforcement agencies by the DOC to assist them in performing community notifications:

1. CONFIDENTIAL - Fact Sheet - Law Enforcement Agency Use Only
2. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Two
3. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Three
4. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender Not for Distribution to Facility Residents
5. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender for Distribution to Facility Residents
6. VICTIM DATA - CONFIDENTIAL - For Law Enforcement Agency Use Only

A. Notification Process

Law enforcement agencies receive information from the BCA and DOC pertaining to the risk levels of offenders. The duty of law enforcement to provide notification depends on the risk level assigned as described below. Public notification must not be made if an offender is placed or resides in one of the

DOC licensed residential facilities (halfway houses) operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release. Do NOT disclose any information until the law enforcement agency is notified the offender will move to a residential location.

Level 1 – Information maintained by law enforcement and may be subject to limited disclosure. *See attachment 1: Confidential Fact Sheet – For Law Enforcement Agency Use Only.*

- Mandatory disclosure
 - Victims who have requested disclosure
- Discretionary disclosure
 - Other witnesses or victims
 - Other law enforcement agencies.

Level 2 – Information 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. *See attachment 2: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota – Risk Level 2.*

- In addition to Level 1 disclosures, the law enforcement agency may disclose information to:
 - Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
 - Individuals likely to be victimized by the offender.
- Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or DHS.

Level 3 – Information subject to disclosure, not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole. *See attachment 3: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota.*

- In addition to Level 2 disclosures, law enforcement shall disclose information to other members of the community whom 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.
- A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- The process of notification is determined by the agency. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information. Assistance is available from DOC RA/CN Unit.

B. Health Care Facility Notification

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in its jurisdiction, law enforcement shall provide a fact sheet to the facility administrator with the following information: name and physical description of the offender; the offender's conviction history, including the dates of conviction; the risk level assigned to the offender, if any;

and the profile of likely victims. *See attachment 4: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender Not For Distribution to Facility Residents & attachment 5: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender For Distribution to Facility Residents.*

C. Specialized Notifications

1. Offenders from Other States and Offenders Released from Federal Facilities Subject to Notification

- If a local law enforcement agency learns that a person under its jurisdiction is subject to registration and desires consultation on whether or not the person is eligible for notification, the agency must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform law enforcement that it may proceed with community notification in accordance with the level assigned by the other state.
- If DOC determines that the governing law in the other state is not comparable, community notification by law enforcement may be made consistent with that authorized for risk level 2.
- In the alternative, if a local law enforcement agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review. The local law enforcement agency shall provide to the DOC necessary documents required to assess a person for a risk level.

2. Victim Notification

Law enforcement agencies in the area where a predatory offender resides, expects to reside, is employed, or is regularly found shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness.

DOC will provide victim contact information to the law enforcement agency when there is a victim who has requested notification. *See attachment 6: VICTIM DATA – CONFIDENTIAL – For Law Enforcement Agency Use Only.*

Law enforcement personnel may directly contact the victim. Community victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC Victim Services staff.

Law enforcement also may contact other victims or witnesses as well as other individuals who are likely to be victimized by the offender.

3. Homeless Notification Process

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should include as much specificity as possible, for example "in the

vicinity of _____". These offenders are required to check in with local law enforcement on a weekly basis.

CRIMINAL CONDUCT ON SCHOOL BUSES POLICY

Minnesota Statutes, Section 169.4581

I. POLICY

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

II. PROCEDURE

This agency shall:

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

SUPERVISION OF PART-TIME PEACE OFFICERS POLICY

Minnesota Rules, Chapter 6700.1110

POLICY

It is the policy of Dawson Police Department to protect lives while enforcing the law. In addition, it is the responsibility of this agency to guide its officers in the safe and reasonable performance of their duties. To accomplish these goals, the following policy is provided to assist agencies in their regulation of part-time peace officers as required under Minnesota Statutes, Section 626.8465 and *Minnesota Rules*, Chapters 6700.1101-6700.1300. Part-time peace officers are most effectively utilized as a supplement to regular, fully trained peace officers. The use of part-time peace officers when the need for services would otherwise justify the use of peace officers is discouraged.

DEFINITIONS

- A. *Part-time Peace Officer:*** “Part-time peace officer” has the meaning given it in MN Statutes, Section 626.84, subd. 1 (f).
- B. *Appointment:*** the official declaration provided by the agency to the POST Board which indicates that the agency has engaged the services of a peace officer or part-time peace officer beginning on a specified date.
- C. *Active Duty Status:*** when a part-time peace officer is authorized by agency policy to act as an agent of the appointing authority with power to arrest and authority to carry a firearm.
- D. *Hours Worked:*** the actual numbers of hours served while the part-time peace officer is on active duty status. All active duty hours must be documented regardless of compensation.
- E. *Supervision of Part-time Peace Officer:*** the part-time peace officer and the designated peace officer are aware of their respective identities; the part-time peace officer has the ability to directly contact the designated peace officer, and the part-time or designated peace officer can achieve direct personal contact within a reasonable time.

PROCEDURES FOR SUPERVISION OF PART-TIME PEACE OFFICERS

It is this agency’s policy that supervision be provided to part-time peace officers by peace officers as required under *MN Rules*, Chapter 6700.1110. This policy minimally addresses the following requirements found within the rule which include:

- A.** An agency which designates a peace officer to supervise a part-time peace officer shall establish written procedures, which at a minimum include:

1. how the designated peace officer is to be notified of the designated peace officer's responsibility for assuming supervision of a part-time peace officer;
 2. the duties and responsibilities of the designated peace officer in exercising supervisory responsibility for a part-time peace officer;
 3. the means by which the part-time peace officer is to notify the designated peace officer that the part-time peace officer is on active duty status;
 4. the means by which the designated peace officer is to be notified when the part-time peace officer is no longer on active duty status.
- B.** An agency which agrees to designate a peace officer for the supervision of a part-time peace officer who is not employed by the same agency as the designated peace officer shall establish at a minimum:
1. all policies required under *MN Rules*, Chapter 6700.1105, Subpart 2;
 2. all policies required under *MN Rules*, Chapter 6700.1110; and
 3. a written joint powers agreement which confers upon the designated peace officer full power and authority within the jurisdiction of the part-time peace officer to be supervised.

RESPONSIBILITIES OF THE PART-TIME PEACE OFFICER

- A.** The hours of active duty status during the calendar year of a part-time peace officer are limited to no more than 1,040 hours.
- B.** A part-time peace officer shall record all active duty hours worked on a form provided by the POST Board, or an acceptable electronic spreadsheet, for each agency by whom the part-time peace officer is appointed. The part-time peace officer shall record the date, time, and total hours of active duty. The part-time peace officer shall also record the name of the agency for which the hours were worked and the name of the designated peace officer assigned for each shift or time entry on the log.
- C.** On the last day of every month, the part-time peace officer shall provide the chief law enforcement officer of every agency for whom the part-time peace officer worked a written notice of the total number of hours worked for all agencies. The notice shall be provided on a form provided by the POST Board.
- D.** The part-time peace officer shall keep and maintain copies of active duty reporting forms for five years and shall make the forms available to the POST Board upon request.

POLICY DISTRIBUTION

Copies of policies required under *MN Rules*, Chapters 6700.1105 to 6700.1130, must be provided to all part-time peace officers before they are authorized to exercise part-time peace officer authority on behalf of a unit of government. Copies of these policies shall also be distributed to all designated peace officers.

LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES MODEL POLICY

Minnesota Statutes, Section 169.541

POLICY

It is the policy of the Dawson Police Department to provide a uniform guideline for all department personnel to use when operating a department vehicle without headlights, taillights or marine navigational lighting, while functioning as a peace officer.

II. DEFINITIONS

For the purpose of this policy, the following definitions apply:

- A. Vehicle:** A motor vehicle or watercraft owned, leased or otherwise the property of the State of Minnesota or a political subdivision.
- B. Lights:** refers to headlights, taillights and marine navigational lighting as Referenced in MN Statutes, Sections 84.87, 84.928, 169.48 to 169.65 and 86B.511.

III. PROCEDURE

A peace officer may **not** operate a vehicle without lights:

- A.** On an interstate highway
- B.** At speeds greater than what is reasonable and prudent under existing weather, road and traffic conditions
- C.** Faster than the posted speed limit
- D.** In situations where the peace officer is an active participant in the pursuit of a motor vehicle in violation of MN Statutes, Section 609.487
- E.** Contrary to the elements of MN Statutes, Section 169.541

IMPARTIAL POLICING POLICY

Minnesota Statutes, Section 626.8471, Subdivision 4

I. POLICY

It is the policy of the Dawson Police Department to reaffirm our commitment to impartial/unbiased policing and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner to all.

A. Policing Impartially

1. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. 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.
2. Except as provided in paragraph (3), peace officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause.
3. Peace officers may take into account the descriptors in paragraph (2) of a specific suspect(s) based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use specific information regarding age, height, weight, etc. about specific suspects.

B. Preventing Perceptions of Biased Policing – Procedural Guidelines

In an effort to prevent the perception of biased law enforcement, peace officers shall utilize the following guidelines:

- be respectful and professional.
- introduce or identify yourself to the citizen and state the reason for the contact as soon as practical, unless providing this information will compromise officer or public safety.
- ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense.

- attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact, including relevant referrals to other agencies when appropriate.
- provide your name and badge number when requested, preferably in writing or on a business card.
- explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are in compliance.

In-Car Camera Policy

A. Purpose

The purpose of this policy is to provide the Dawson Police Department officers with guidelines for the use, management, access, retention, handling of evidence, degaussing, storage, and retrieval of audio-visual media recorded by in-car video systems.

B. Definitions

1. **Recorded Media**—Means audio-video signals recorded on any of several storage devices, including, but not limited to, analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, flash card, etc.).
2. **In-Car Camera System and Mobile Video Recorder (MVR)**—These are synonymous terms and refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.
3. **Supervisor**—Licensed peace officers appointed with responsibility to serve as a supervisor.
4. **MVR Technician**—Personnel, licensed or civilian, that are trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.
5. **Degaussing**—Electronic cleansing by overwriting, erasing, and/or destruction of electronic storage media of analog and digital recording media that returns the media to its original state so it is ready for the imprinting of new images.
6. **Activate**—Any process which causes the MVR system to transmit or store video or audio data.
7. **Law Enforcement Operator (LEO)**—Primarily, a licensed peace officer, but on occasion may be a non sworn representative of the agency, who would be authorized and assigned to operate MVR equipped vehicles to the extent consistent with Minnesota Statute 169.98.
8. **MGDPA**—The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

C. Policy

The use of the MVR system provides documentation of law enforcement interaction with the public by providing evidence for the judicial system, internal review, or review by the public through formal request by agency specific method. The primary function of the MVR is for officer safety and not to initiate disciplinary action against the officer, but the data collected on the MVR may be used as evidence relating to a complaint of misconduct made against an LEO by

any person present at the scene of the incident when such complaint could result in additional training, counseling or disciplinary action in accordance with agency policy.

D. Procedures

1. Operational Objectives

The Dawson Police Department has adopted the use of MVRs to accomplish the following objectives:

- a. To enhance officer safety
- b. To accurately 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 provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training
- e. To preserve visual and audio information for use in current and future investigations
- f. To enhance the public trust by preserving objective factual representations of officer-citizen interactions in the form of video and audio recordings made via an in-car camera system, and
- g. To identify training needs

2. General Procedures

It is the responsibility of the Dawson Police Department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.

- a. MVR equipment shall automatically activate when emergency equipment (lights, sirens) is operating or an LEO can start recording when they are outside their vehicle via a wireless transmitter. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
- b. Placement and operation of system components within the vehicle shall be based on officer safety requirements and manufacturers recommendations.

- c. All staff shall successfully complete an approved course of instruction prior to being deployed with MVR systems in operational settings.
- d. The agency will establish and maintain a method for the public to view recorded events to the extent that such data is classified as public under the MGDPA.
- e. The agency will ensure officers, investigators, and prosecutors have access to the recorded events according to agency specific method for making the recordings accessible within the criminal justice system.
- f. The MVR System shall be configured to minimally record for 30 seconds, prior to an event. An agency has the discretion to increase the pre event record time.
- g. The MVR System may not be configured to record audio data occurring prior to activation.

3. Officers' Responsibilities

Inspection and general maintenance of MVR equipment installed in agency vehicles shall be the responsibility of the LEO assigned to the vehicle.

- a. MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and agency training and policies.
 - Prior to beginning each shift, the assigned LEO shall perform an inspection to ensure that the MVR is performing in accordance with the Remote audio transmitter is functional and has an adequate power source
 - Connected to the recording equipment
 - The transmitter can remotely activate the system
 - The view of all cameras shall be free of obstruction
 - All camera lenses shall be operational
 - Camera facing intended direction
 - Recording mechanism capturing both audio and video information

- System plays back both audio and video tracks

Malfunctions, damage or theft of in-car camera equipment shall be reported to the Chief prior to placing the unit into service.

1. An agency specific report shall be completed documenting the suspected cause(s) of equipment failure or any recommendations for corrective actions. The Chief shall determine if the vehicle shall be placed in service without an operating MVR and the emergency communications center shall be so informed.

4. Mandatory MVR Recording

To the extent practical without compromising officer safety, the MVR system shall be activated and/or operated under the following circumstances and conditions:

- a. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops)
- b. Priority responses
- c. Vehicle pursuits
- d. Arrests
- e. Vehicle searches
- f. Physical or verbal confrontations, or use of force
- g. Prisoner transports
- h. Crimes in progress
- i. Any situation where a non prisoner is in the vehicle and being transported; e.g., a child, an elderly person, someone having a medical event
- j. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded
- k. Law enforcement operators are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation
- l. When the MVR is activated, law enforcement officers shall ensure that the audio portion is also activated so all events are properly documented
- m. And others at agency discretion

5. Operational Protocols

To prevent bleed over and/or noise from other MVRs in systems using low band transmitters (analog), only the primary LEO initiating the contact shall activate his or her audio recorder.

- a. Law enforcement operators using digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
- b. Law enforcement operators may have access to review the recordings when preparing written reports or statements of events to help ensure accuracy and consistency of accounts.
- c. With the exception of law enforcement radios or other emergency equipment, law enforcement operators shall not use other electronic devices within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR System to record audio data.
- d. Law enforcement operators shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician, or agency approved designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
- e. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the MVR technician
- f. MVR recordings shall be considered evidence, designated by the LEO for the appropriate retention and be submitted to the agency approved designee to ensure that the recording is retained in accordance with the agency's policy.
- g. Any other activities when in the LEO's judgment it would be beneficial to do so.
- h. When the MVR is activated to document an event, it shall not be deactivated until the event has been concluded unless:
 1. The incident or event is of such duration that the MVR may be deactivated to conserve recording times

2. The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information
 3. The intention to stop the tape has been noted by the LEO either verbally or in a written notation
- i. The recording media shall be replaced at the completion of an incident when the recording time remaining is less than 1 hour, for long playing media lasting 6-8 hours, or 30 minutes for Hi8 analog or digital media with recording time of 5 hours or less.

6. Supervisor's Responsibilities

- a. The Chief shall issue unrecorded media and when reasonably possible prior to issuance, shall assign and affix an identification number to the exterior of the media.
 1. The numbered media is then recorded in the MVR chain of custody log
 2. If the media is a computer hard drive, a computer generated file number shall be generated internally
- b. The chain of custody log shall include, but need not be limited to:
 1. Tracking number of media
 2. Date issued
 3. Officer or vehicle issued
 4. Date submitted
 5. Law enforcement operator submitting the media
 6. Hold for evidence indication
 7. In the event an officer works at a remote location and reports in only periodically, multiple recording media may be issued.
- c. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, agency shootings, agency involved crashes, a supervisor shall respond to the scene and ensure that the appropriate supervisor, MVR technician, or crime scene investigator removes the recorded media. The technician or investigator shall then:

1. Place the media into evidence and provide copies to authorized investigative personnel
 2. Ensure the appropriate notation is made in the chain of custody log
- d. The Chief shall periodically review the chain of custody log to ensure that issued media is surrendered in a timely manner. The Chief is responsible for determining causes for such problems (e.g., unreported problems with the MVR equipment or equipment not being used in accordance with agency policy).
 - e. The Chief when informed or otherwise becomes aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
 - f. The Chief shall conduct periodic reviews of officer assigned media in order to periodically:
 1. Assess officer performance
 2. Assure proper functioning of MVR equipment
 3. Determine if MVR equipment is being operated properly
 4. Identify recordings that may be appropriate for training
 - g. The Chief shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with agency policy. These reviews shall continue until such time as the supervisor believes new operator is competent. Supervisors shall thereafter conduct agency designated reviews.
 - h. Ensure recordings that have been tagged for extended retention are tagged properly.
 - i. The Chief may activate the MVR system remotely to monitor a developing situation such as a chase, riot, or other event threatening public safety, officer safety, or both when the purpose is to obtain tactical information to assist in managing the event. The Chief shall not remotely activate the MVR system for the purpose of surveillance regarding the conversations or actions of an officer.

7. Chief Responsibilities

- a. The Chief is responsible for the ordering, issuance, retrieval, storage, degaussing, and duplication of all recorded media.
- b. The Chief shall be responsible for collecting all completed media or for over sight and verification of wireless downloaded media.
- c. Once the media is surrendered, the Chief shall:
 - 1. Ensure it is stored in a secured location with authorized controlled access; and
 - 2. Make appropriate entries in the chain of custody log
 - 1. Recorded media may only be degaussed: Pursuant to a court order
 - 2. In accordance with established retention policies
- d. For the purpose of accountability, all media will be assigned an identification number prior to issuance to the field. The Chief will maintain a record database of issued media.
- e. The Chief shall ensure that an adequate supply of recorded media is available.
- f. The Chief shall be responsible for the following:
 - 1. Long-term storage of media deemed to be of evidentiary value consistent with the agency's evidence storage protocols and retention schedule
 - 2. The degaussing and re-issuance of all other media deemed to be of no evidentiary value consistent with the agency's document retention requirements

8. Media Access

- a. All recording media, recorded images and audio recordings are the property of the Dawson Police Department and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law and without written authorization of the agency's chief executive or his or her designee.
- b. To prevent damage to, or alteration of, the original recorded media; it shall not be copied, viewed or otherwise inserted into any device not approved by the Chief.

- c. When possible, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.
- d. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted to the Chief for further storage.
- e. An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.

9. Handling of Evidence

- a. The MVR equipment will be used in the prosecution of those who violate the law, and to provide objective information concerning police/citizen contacts
- b. Recordings containing data which must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the state shall continue to be in the control of the agency, in conjunction with the Attorney General's Office.
- c. When a recording contains evidence for a case which is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Chief Law Enforcement Officer.

PROCESSION OF PROPERTY SEIZED FOR ADMINISTRATIVE FORFEITURE

MN STAT 609.531
POLICY

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

DEFINITIONS

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

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

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

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

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

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

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

SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The following property may be seized and is presumed under MN STAT 609.5314 to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:

All money, precious metals, and precious stones found in proximity to:

- Controlled substances;
- Forfeitable drug manufacturing or distributing equipment or devices; or
- Forfeitable records of manufacture or distribution of controlled substances.

All conveyance devices containing controlled substances with retail value of \$75 or more if possession or sale of the controlled substance would be a felony under chapter 152.

All firearms, ammunition, and firearm accessories found:

- In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
- On or in proximity to a person from whom a felony amount of controlled substance is seized; or
- On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under chapter 152.

Seizure of property not listed above must be processed in coordination with and approved by the unit supervisor.

PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When any property as described in the above section is seized, the peace officer making the seizure must prepare the following:

- The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the Notice, location, and the date of seizure. Administrative forfeiture notices are NOT to be given for assets seized under MN STAT 609.5314 if the retail value of the asset exceeds \$50,000.00.
- A receipt for the item(s) seized.

The Notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under MN STAT 609.5314 to follow to obtain it. The form must be dated and signed by the peace officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

All property subject to and being processed for forfeiture through the agency must be held in the custody of the agency.

The peace officer conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports will be forwarded to the Forfeiture/Seized Property Reviewer within 10 days of seizure.

The peace officer conducting the seizure shall inform the Forfeiture/Seized Property Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

Cash

Peace officers shall not seize cash having an aggregate value less than \$100.00, unless pre-recorded buy funds are included in the cash seized. Cash shall be recounted and the amount verified by another employee of the Agency. The property bag and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be turned over to the Forfeiture/Seized Property Reviewer or property/evidence room as soon as practicably possible (Agency Discretion) of the seizure.

Prior to deposit with the Forfeiture/Seized Property Reviewer, peace officers shall examine all cash seized to determine whether it contains any buy funds. Peace officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture/Seized Property Reviewer to be returned to the appropriate unit's buy fund account.

Peace officers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

The peace officer conducting the seizure shall provide a copy of the completed property inventory receipt to the Forfeiture/Seized Property Reviewer.

It is the seizing peace officer's responsibility to secure the cash consistent with the agency policy or procedure.

Jewelry/Precious Metals/Precious Stones

Peace officers seizing jewelry, precious metals, and/or precious stones will write a detailed description of each item on the property inventory receipt prior to inventorying the items. 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/Seized Property Reviewer.

Peace officers seizing jewelry, precious metals, and/or precious stones shall deliver those items to the property/evidence room as soon as practicably possible.

Conveyance Device

Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility.

Peace officers shall inventory the conveyance device and its contents in accordance with agency policy. Peace officers shall also complete applicable report forms and distribute them appropriately.

Firearms/Ammunition/Firearm Accessories

When firearms, ammunition, or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per agency policy/procedure.

CASE FILE STATUS

The Forfeiture/Seized Property Reviewer shall forward all changes to forfeiture status to the supervisor who initiated the case.

REPORT WRITING

Peace officers seizing property must complete a report. All reports must include a description of the items seized, where the property is turned in/stored, the name of the individual served, the date that the seizure form was served, the name of the serving peace officer, and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.

All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

(10/10)

Body Armor -- Mandatory Wear Policy

I. Purpose and Scope

A. To provide the procedures for the use of body armor by commissioned officers assigned to uniform, plain clothes and administrative positions.

II. Policy

A. 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.

III. Procedure

A. Issuance of Body Armor

1. The department provides all commissioned officers with body armor. Body armor issued by the Department will provide protection equal to or exceeding Threat Level II as defined by the National Institute of Justice (NIJ). Ordering of ballistic vests shall be coordinated through the FSPD Quartermaster after proper measuring of the officer.

B. Officers may purchase their own ballistic vests, but it must meet or exceed the approved specifications for body armor.

C. The Chief of Police shall maintain the approved specifications for body armor.

D. Use of Body Armor

1. The wearing of Department-issued or approved body armor is mandatory for all Uniformed Officers while they are on duty and engaged in patrol operations.

a. EXCEPTIONS: Assignments in certain environmental conditions, such as extreme heat. Such conditions will be evaluated and a determination made by an on-duty supervisor.

2. Officers working Department grant or overtime programs involving the activities in paragraph D.1. above are required to wear body armor.

3. Officers participating in pre-planned situations deemed to be "high risk" in nature, such as search warrant executions, shall be required to wear a ballistic vest during the execution of the operation. Additionally, a supervisor may direct subordinate officers to wear body armor during unusual occurrences as he or she deems appropriate.

F. Medical Exemptions

1. Officers claiming a medical reason for not wearing body armor are required to notify their immediate supervisor in writing and avail themselves for further evaluation, as

determined by the Division Commander, concerning the wearing of body armor.

2. Officers are required to provide the Division Commander with all pertinent medical records and documentation concerning the diagnosis, treatment and final medical report.

3. The Chief of Police, in consultation with the reporting physician will determine if an alternate vest carrier or a different type of vest material is a reasonable solution for the Officer.

G. Approved Body Armor Carriers

1. Police Officers and Supervisors involved in uniformed activities may use an outer or exterior vest carrier with division approval.

2. Armor panels MUST be left inside their original factory-issued carrier when inserted into the external vest carrier. Failure to do so could cause a reduction in body armor performance and will void the factory warranty.

H. Inspections of Body Armor

1. The Chief of Police is responsible for ensuring that body armor is worn and maintained as required by this Order through routine observation and periodic inspections.

I. Care, Maintenance and Replacement of Body Armor

1. Inspection

a. Officers will routinely inspect personal body armor for signs of damage and for general cleanliness. Under no conditions will an Officer attempt to repair body armor. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to the Chief of Police.

2. Effects of Moisture & Chemicals

a. Perspiration can sometimes generate sufficient moisture to reduce the effectiveness of ballistic fabric. When thoroughly saturated or totally immersed in water, a decreased level of ballistic resistance can result while they remain in such a saturated condition. Once dry, ballistic performance will be restored.

b. The ballistic element should never be exposed to any petroleum, chemical or chlorine products. Exposure to these agents will result in a loss of ballistic resistance.

3. Care & Laundering of Body Armor

a. As dirt and perspiration may erode ballistic panels, each officer will be responsible for cleaning his/her body armor in accordance with the manufacturer's instructions.

1. Original Factory-Issued Outer Carrier:

- a. Remove ballistic panels from front and back outer shell;
- b. Close or remove all Velcro® fasteners before washing;
- c. Automatic machine wash the outer shell using "durable press" cycle only at a medium water temperature (about 120 F);
- d. Use low-sudsing detergent, according to detergent manufacturer's directions;
- e. Air dry or machine dry with low-temperature setting;
- f. Do not use bleach;
- g. Only the outer shell may be commercially dry cleaned; and
- h. Outer shell must be completely dry before inserting the ballistic panels.

2. External Vest Carrier:

- a. Do not ever put your carrier in a washing machine. This will void the warranty. External carriers have plastic in them and this will get damaged in a washing machine. Harsh detergents/bleach can fade the material and weaken the waterproof coating.
- b. To clean your vest carrier, first take your body armor and items out of the pockets.
- c. Get a wash cloth and wipe your vest down with water, if that doesn't work, use a mild detergent, then wipe the soap off with a clean wet cloth. Remember, the material is waterproof so don't be afraid to rinse thoroughly.
- d. IF STILL NOT CLEAN ENOUGH:

Hand wash it in Woolite or another mild detergent and then hang dry it.

- e. IF STILL NOT CLEAN ENOUGH, then dry clean your vest carrier. But be certain to tell the cleaner personnel that it cannot be put in any dryer!! The plastic WILL melt. Also tell the dry cleaner that only mild detergents can be used or it may fade the material.

3. Ballistic Panels:

- a. Do not immerse in liquid;
- b. Gently hand wash with a sponge or wash cloth using mild detergent;
- c. Wipe off any excess detergent with clean water;
- d. Wipe dry;
- e. Do not dry clean, machine wash or bleach; and
- f. Do no dry outdoors.

4 .Storage of Body Armor

- a. Improper storage of body armor may contribute to premature wear, as well as reduce the protective capabilities of the ballistic system itself. When not wearing body armor, it should be stored under normal environmental conditions.
- b. Care should be taken to store body armor flat, either on a shelf or other flat surface. When this is not practical, suspended on a clothes hanger is the next best method. Body armor should never be folded or stood on its edge. This improper storage will create "set wrinkles" in the body armor and may cause curling at the edges.

c. Body armor should never be stored in the trunk of a vehicle where it may be exposed to extremely high temperatures. High temperatures may affect the strength of some fibers that could diminish the performance of body armor.

5. Replacement

a. Body armor will be replaced in accordance with guidelines and protocols established by the NIJ and the vest manufacturer.

J. Evaluation

1. The Chief of Police will be responsible for:

a. Monitoring technological advances in the body armor industry that may necessitate a change in body armor.

b. Assessing weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

Investigation of Sexual Assault

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 Dawson Boyd Police Department 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 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

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 reasonable 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.

Confidential Informant Policy

I. POLICY

It is the policy of the ***Dawson Boyd Police Department*** 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 remuneration, 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.

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](#)

[609.06609.06 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 Dawson Boyd 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 of the Dawson Boyd Police 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.

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.

(ERPO) FIREARMS STORAGE MODEL PROCEDURE

Minn. Stat. 624.7175

PURPOSE:

The purpose of this procedure is to establish guidelines for storing firearms when required by an Extreme Risk Protection Order (ERPO).

PROCEDURE:

[PEACE OFFICERS] shall take possession of firearms as authorized and required by an ERPO. [PEACE OFFICERS] shall process and securely store the items according to established [AGENCY] policies and procedures for firearm storage. Refer to MSS 624.7175 for mandates.

[PEACE OFFICERS] shall ensure firearms are unloaded and rendered safe. All items shall be stored in a secure location within the Dawson Boyd Police Department. Firearm information shall be recorded and maintained in accordance with Dawson Boyd Police Department policies and procedures.

The person relinquishing possession of firearms shall be provided an itemized receipt and instructions for how to retrieve the property when legal to do so.

Returning the property shall follow MSS 624.7175 and MSS 624.7176, other relevant state and federal laws, and Dawson Boyd Police Department policies and procedures.

AVOIDING RACIAL PROFILING MODEL POLICY

Minn. Stat. 626.8471, subd.4

I. POLICY

It is the policy of the Dawson Boyd 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.

II. DEFINITION

Racial profiling has the meaning given to it in Minn. Stat. 626.8471, Sub. 2. Which states:

"Racial profiling," means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

- (1) The behavior of that individual; or
 - (2) Information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.
- Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

III. PROCEDURES

A. Policing impartially, not racial profiling, is standard procedure for this agency meaning:

1. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and peace officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures;
2. Except as provided in paragraph 3., Peace officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause; and
3. Peace officers may take into account the descriptors in paragraph 2. Based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals and this information may be used in the same manner officers use specific information regarding age, height, weight, or other physical characteristics about specific suspects.

B. In an effort to prevent the perception of biased law enforcement peace officers shall:

1. Be respectful and professional;

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2. Introduce or identify themselves to the citizen and state the reason for the contact as soon as practical unless providing this information will compromise officer or public safety;
 3. Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense;
 4. Attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact including relevant referrals to other agencies when appropriate;
 5. Provide their last name or badge number when requested.
 6. Explain and/or apologize if it is determined the reasonable suspicion was unfounded (e.g. after an investigatory stop).

C. Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

IV. DUTY TO REPORT

Every member of this department shall perform their duties in a fair and objective manner and are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

V. VIOLATIONS

Alleged violations of this policy must be reported to POST in accordance with the reporting requirements in Minn. Stat. 626.8457.