PREFACE

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PROFESSIONAL CONDUCT OF POLICE OFFICERS 626.8457

I. POLICY

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

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

(a) 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.

(b) Rules

  (a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.

  (b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.

  (c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.

  (d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.

  (e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

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(a) 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.

(b) 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.

(a) Rationale: Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

(b) Rules

  (a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.

  (b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

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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.

(a) 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.

(b) Rules

  (a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in (c).

  (b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.

  (c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.

  (d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

  (e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

  (f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute

    (a) Domestic abuse

    (b) The violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

  (g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering

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or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

(h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

(a) 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.

(b) Rules

(a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

(b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

(c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

(a) 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.

(b) Rules

(a) Peace officers shall not use their official position, identification cards or badges for:

(a) personal or financial gain for themselves or another person

(b) obtaining privileges not otherwise available to them except in the performance of duty

(c) avoiding consequences of unlawful or prohibited actions.

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(b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

(c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.

(d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-through of such establishments as part of their regularly assigned duties.

(e) Peace officers shall: not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise; maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity; not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

(a) Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions where those actions would or could conflict with the officer's appropriate responsibilities.

(b) Rules

(a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.

(b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.

(c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

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(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.

(a) Rationale: Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

(b) Rules

(a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.

(b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.

(c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by MN RULES 6700.2000 to 6700.2600.

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MISSION STATEMENT / VISION STATEMENT / CORE VALUES

Mission

Service to the community with Honesty, Integrity and Respect.

Vision Statement

To be recognized as a progressive law enforcement agency striving to enhance the quality of life for all citizens. We seek to collaborate with all stakeholders to continually improve our community. The Hopkins Police Department will recruit, hire and retain the most qualified personnel to fulfill this vision.

Core Values

- **Ethical** We employ personnel of the highest ethical character who are guided by the principles of honesty integrity and respect.
- **Dedicated** Being committed to oneself, partner, department and the public which we serve where going above and beyond the call of duty is the expectation, not exception.
- **Progressive** Looking ahead to find new ways, procedures, and tools to best serve the community.
- **Problem Solvers** We are committed to identifying and solving problems through building positive community partnerships.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

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

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

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

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 INTERSTATE PEACE OFFICER POWERS

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

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

(a) The officer is on-duty and acting on a request of a Minnesota peace officer.

(b) The officer is acting under the direction of a Minnesota peace officer.

(c) The officer is acting in accordance with the rules and regulations of his/her own agency.

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(d) If an arrest is made, the officer surrenders custody of the arrestee to a Minnesota peace officer.

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Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 OATH OF OFFICE

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

I, (employee name), do solemnly swear that I will support the Constitution of the United States and the State of Minnesota and faithfully discharge the duties of the office of **(Police Officer/or applicable position)** for the City of Hopkins, in the County of Hennepin and State of Minnesota. I will use this office to work in partnership with the community to the goal of protecting life and property while improving the quality of life within Hopkins. I will perform these duties to the best of my judgment and ability, so help me God.

104.1.2 MAINTENANCE OF RECORDS

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

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Hopkins Police Department is hereby established and shall be referred to as the "Policy Manual." The Policy Manual is a statement of the current policies, rules and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders and regulations that are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

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

106.1.1 DISCLAIMER

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

106.2 RESPONSIBILITIES

The ultimate responsibility for the content of the manual rests with the Chief of Police. Since it is not practicable for the Chief of Police to prepare and maintain the manual, the following delegations have been made:

106.2.1 CHIEF OF POLICE

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall ensure compliance with all applicable Minnesota law. The Chief of Police is responsible for issuing General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 STAFF

Staff shall consist of the following:

- Chief of Police
- Captain
- Any other employee designated or assigned by the Chief of Police

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The staff shall review all recommendations regarding proposed changes to the manual at staff meetings or via electronic communication.

106.2.3 OTHER PERSONNEL
All Department employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisor who will consider the recommendation and forward it to staff.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

All written policies will have a header at the top of the page with the subject of the policy and the policy number. Each policy will begin with a purpose statement, a policy statement when appropriate and will conclude with the directive information of that subject. The published date of the document will be printed in the footer of each page.

106.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

- General Orders may be abbreviated as "GO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations

Child - Any person under the age of 18 years.

City - The City of Hopkins

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

Department /HPD - The Hopkins Police Department

DPS - The Minnesota Department of Public Safety

DVS - The Minnesota Department of Driver and Vehicle Services

Employee/personnel - Any person employed by the Department.

Lead worker or unit leader - A person assigned to direct or control employees and operations and who assigns, directs and critiques job performance of designated staff during the course of a work assignment or daily task. A lead worker does not have the authority to reward, discipline or promote. A lead worker includes assignment to the role of "officer-in-charge."

Manual - The Hopkins Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

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Member - Any person who is employed or appointed by the Hopkins Police Department including licensed officers, part-time officers, civilian employees and volunteers.

MSP - Minnesota State Patrol

Officer/licensed - Those employees, regardless of rank, who are licensed peace officer employees of the Hopkins Police Department.

OIC - Officer in Charge. In lieu of a Sergeant, an officer may be designated as the officer in charge. They must have at least three years of law enforcement experience.

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

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

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

POST - The Minnesota Board of Peace Officer Standards and Training

PSO - Public Service Officer

Rank - The job classification title held by an officer.

Shall or will - Indicates a mandatory action.

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

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

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

Support Services Manager - Serves as the department's records supervisor and ensures compliance with BCA, CJIS and all other reporting requirements.

USC - United States Code

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Policy Manual

106.3.3 DISTRIBUTION OF MANUAL
Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Captain
- Sergeant's Office
- Investigation Unit
- Officer's Report Room
- Temporary Holding Facility

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

106.3.4 ACKNOWLEDGEMENT
Each newly appointed employee will acknowledge in writing that he/she has been provided access and ability to review the Policy Manual. All employees will acknowledge in writing the receipt and review of any new directive or modifications to this manual. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.

106.4 MANUAL ACCEPTANCE
As a condition of employment, all employees are required to read and obtain necessary clarification of policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy or have been provided access to the Policy Manual, and understand that they are responsible to read and become familiar with its contents.

106.4.1 REVISIONS TO POLICIES
All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet home page under the title Recent Policy Manual Revisions. The Training Sergeant will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return e-mail, review the revisions and seek clarification as needed.

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

106.4.2 PERIODIC REVIEW OF POLICY MANUAL
At least annually the Chief of Police will cause the entire manual to be reviewed and updated as necessary to ensure the Policy Manual conforms to actual operation of the Department and complies with Minnesota law.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Hopkins Police Department. There are two divisions in the Police Department as follows:

- Support Services Division
- Operations Division

200.2.1 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by the Captain who may delegate responsibilities to a Lead Records employee or the Support Services Manager. Their primary responsibility is to provide general management, direction and control for the Records Department.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol, Investigations and Community Service.

200.2.3 INVESTIGATIONS

The Investigations Unit is commanded by a Sergeant whose primary responsibility is to provide general management, direction and control for Investigations. Investigations consists of the Investigation Unit and Property room.

The Investigations Sergeant is also responsible for the maintenance and upkeep of the property room which is maintained by a PSO. The Investigation Sergeant also makes the determination of property and evidence retention or disposal in compliance with this manual and city code 305.05.

The Investigations Sergeant reports to the Captain.

200.2.4 COMMUNITY SERVICES

Community Services consists of the following groups:

- Focus Team
- Crime Services Liaison
- JCPP Liaison

All members of the Community Services will report to the Captain or the Sergeant assigned.

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200.2.5 PATROL
The Patrol division consists of four patrol teams each supervised by a Sergeant who reports to the Captain. The Patrol Sergeants also supervise Parking and PSO's.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During planned absences the Captain shall act with the authority of the Chief of Police. When both the Chief and the Captain will be absent, the Chief of Police will designate a Sergeant to act with the authority of the Chief of Police.

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

(a) Captain

(b) Sergeant

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

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

200.3.4 UNLAWFUL AND CONFLICTING ORDERS
No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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

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General Order and Special Orders

204.1 PURPOSE AND SCOPE

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

204.1.1 GENERAL ORDER PROTOCOL

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

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

204.1.2 SPECIAL ORDERS PROTOCOL

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

204.2 RESPONSIBILITIES

It is the responsibility of each Sergeant/supervisor to make sure thier employees have read and understood all General and Special Orders.

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

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

204.3 ACCEPTANCE OF GENERAL ORDERS AND SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all General Orders or special orders.

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Emergency Operations Plan

206.1 PURPOSE AND SCOPE

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

206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Police Department, the Chief of Police, Captain or Sergeant may activate the Emergency Operations Plan in response to a major emergency.

206.2.1 RECALL OF PERSONNEL

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

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

206.3 LOCATION OF MANUALS

The manual for employees is available online as well as the workroom and the Sergeant's office.

206.4 PLAN REVIEW

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

206.5 PLAN TRAINING

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

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Training

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will meet the standards of POST continuing education and provide for the professional growth and continued development of its personnel. By doing so, the Department seeks to ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Department will use courses certified by the Minnesota Board of Peace Officer Standards and Training (POST) or other regulatory or nationally recognized entities. Examples of these entities may be, but are not limited to, BCA, ATOM, MN Chiefs of Police Association and St Paul Police PDI.

208.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of Department personnel.

(c) Provide for continued professional development of Department personnel.

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

208.4 TRAINING PLAN

It is the responsibility of the Training Sergeant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Department-required training is completed by sworn employees. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address State required minimum mandated training for licensing of peace officers or hiring of non-licensed employees.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Sergeant shall review the entire training plan on an annual basis.

The Reserve Coordinator will be responsible for training volunteers/reserves that is determined to be relevant and helpful to their actions as volunteers for the Department.

The Support Services Manager will be responsible for scheduling training for records staff.

The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. The Training Sergeant and/or the Captain will be responsible for documenting

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the training.Training listed may be provided in basic training programs. The Training Sergeant is responsible for ensuring members of the Department have been trained as required.

208.4.1 STATE MANDATED TRAINING

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

This training must include completion of use of force training every year based on the Department's Use of Force Policy and the learning objectives provided by POST (Minn. Stat. § 626.8452 Subd. 3).

In addition, all officers must complete an eight hour course in emergency vehicle operations and vehicle pursuits as set forth in the Vehicle Pursuit Policy.

208.4.2 TRAINING PROCEDURES

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

1. Court appearances
2. Sick leave
3. Emergency situations

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

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

208.5 TRAINING NEEDS ASSESSMENT

The Training Sergeant, with the assistance of firearms and use of force instructors, will conduct an annual training-needs assessment and complete a report of the training-needs assessment. Upon review and approval by the Chief of Police, or their designee, the needs assessment will form the basis for the training plan for the ensuing fiscal year.

208.6 TRAINING COMMITTEE

The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department. The Training committee will consist of Use of Force Instructors, Taser Instructors and Firearms Instructors.

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

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

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

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

The Training Committee should convene as determined by the Training Sergeant to review the identified incidents. The committee shall determine whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.7 TRAINING RECORDS

The Training Sergeant and/or Captain is responsible for the creation, filing and storage of all training records in compliance with POST standards. Training records shall be retained as long as the employee's personnel file is retained.

208.8 REPORTING TRAINING TO POST

The POST Board distributes license renewals to the Captain and requires the licensee to report completed continuing education courses from the previous license period. Officers are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.

208.9 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Hopkins Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

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Employees who are assigned to participate in the DTB program should complete each DTB as assigned.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

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Electronic Mail

212.1 PURPOSE AND SCOPE / CITY POLICY

Members of the Hopkins Police Department will adhere to the City of Hopkins Electronic Communication and Technology policy (Policy 4-D).

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Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 MEMORANDUMS

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

214.3 CORRESPONDENCE

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

Letterhead that is mailed out to citizens, other agencies, etc should be signed:

Sincerely,

Michael Reynolds

Chief of Police

By,

John Cop

Officer

The Officer will then sign their name to the document.

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

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police, or their designee.

214.5 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Chief of Police, his/her designee or the Captain.

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Supervision Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels are as follows, the number of Officers include Sergeants that are working Patrol:

- From the hours of 0200hrs to 2200hrs a minimum of 2 Officers will be scheduled
- From the hours of 2200hrs to 0200hrs a minimum of 3 Officers will be scheduled

216.2.1 OIC

A qualifying officer may be used as a patrol supervisor in place of a Patrol Sergeant when the Sergeant is absent due to vacation, sick time or training.

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Retired Officer Concealed Firearm Permit

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation and denial of a concealed firearm permit (CFP) for retired officers of this department.

220.2 FIREARM PERMIT

A retired employee of this department may only carry a firearm if qualified by the MN POST Board in compliance with the Federal Law Enforcement Officers Safety Act Improvements Act certification (LEOSAIA).

Directions for compliance and documentation can be found on the MN POST Board website:

https://dps.mn.gov/entity/post/Pages/default.aspx

220.3 FEDERAL AUTHORIZATION

Retired officers of this department, qualified pursuant to 18 USC § 926C, may be authorized to carry a concealed firearm in Minnesota and other states. Such authorization requires that retired officers comply with each element of 18 USC § 926C. These elements include carrying photographic identification issued by the Department and certification from the Department or the State that the retiree has been tested and certified within the past year to meet the training and qualification standards for active law enforcement officers of the Department or the standards established by the State of Minnesota.

It is the responsibility of the retired officer to obtain certification and documentation necessary for federal authorization and to comply with all concealed carry requirements if such authorization is desired.

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Handgun Purchase and Transfer Permit

222.1 PURPOSE AND SCOPE

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

222.2 APPLICATION PROCESS

To apply for a permit to purchase or transfer a pistol, the applicant must complete and submit a signed and dated Minnesota Uniform Firearm Application and Receipt to the Department (Minn. Stat. § 624.7131 Subd. 1). These forms shall be freely available to members of the community at records or dispatch. Applications are also available on the Internet at http://www.bca.state.mn.us/Forms/Documents/MNUniformFirearmApp.pdf (Minn. Stat. § 624.7131 Subd. 3).

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

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

222.3 INVESTIGATION

The Department shall conduct an investigation of the applicant to determine if he/she is eligible for a permit (Minn. Stat. § 624.7131 Subd. 2). The investigation shall include no less than:

(a) A check of criminal histories and records of the applicant.

(b) A check of warrant information relating to the applicant through MJIS and NCIC.

(c) A reasonable effort to check other available state and local record-keeping systems.

(d) A check of criminal histories and records of the applicant.

(e) Verify applicant's current address is consistent with address on state issued Driver's License or ID card.

222.4 GROUNDS FOR DISQUALIFICATION

The Chief of Police shall only deny a permit to an applicant when the applicant is prohibited by Minn. Stat. § 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

222.5 GRANTING OR DENIAL OF PERMIT

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

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222.6 REVOKING PERMIT

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

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

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Reasonable - An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented at the time of the incident. Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation, must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving.

Bodily Harm - Physical pain, injury, illness or any impairment of physical condition.

Substantial Bodily Harm - Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

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.

Non-Deadly Force - Any application of force by an officer other than deadly force.

Deadly Force - Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

(a) In effecting a lawful arrest.

(b) In the execution of a legal process.

(c) In enforcing an order of the court.

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

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

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(f) In restraining a person who is mentally ill or mentally defective from self-injury or injury to another.

(g) In self defense or defense of another.

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.

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

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

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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

(h) The availability of other options and their possible effectiveness.

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

(j) Training and experience of the officer.

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

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

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

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

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

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

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300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 CAROTID CONTROL

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold may only be applied when the Officer is authorized to use deadly force.

300.4 DEADLY FORCE

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or great bodily harm.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of great bodily harm or death, and the officer reasonably believes that there is an imminent risk of great bodily harm or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

    Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

    1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

    2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer

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reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report depending on the nature of the incident. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of **use of force report/RTR** as specified in Department policy and/or law.

Reportable force applications include:

(a) The application has caused a visible injury.

(b) The application would lead a reasonable officer to conclude the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force has expressed a complaint of pain or injury.

(d) Any application of a control device, with the exception of handcuffs for a short duration.

(e) The individual subjected to the force has been rendered unconscious.

(f) An individual was struck or kicked in any manner.

(g) An individual alleges any of the above has occurred

300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of an Electro-Muscular Disruption Technology (Taser) device or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

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300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

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

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

(c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(d) Identify any witnesses not already included in related reports.

(e) Review and approve all related reports.

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

300.7.1 SERGEANT / OIC RESPONSIBILITY

The Sergeant / OIC shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

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

302.1.1 REMOVAL FROM LINE-DUTY ASSIGNMENT

An employee whose actions or use of force, in an official capacity or while using department equipment, results in death or great bodily harm may be removed, based on the circumstances, from a line-duty assignment pending an administrative review. The type of review will be determined by the Chief of Police and may include the Use of Force Review Board.

This action is to be taken solely to allow the officer involved to receive critical incident debriefing and counseling.

302.2 USE OF FORCE REVIEW

Every incident requiring a Use of Force report will be reviewed by the officer's supervisor to ensure that the use of force was appropriate and within the guidelines of the policy. The supervisor will initial the Use of Force report and forward the report to the Chief of Police through the Captain.

302.2.1 ANNUAL USE OF FORCE REPORT REVIEW

Annually, the use of force reports will be reviewed by the Training Sergeant. A report shall be submitted to the Chief of Police summarizing the Department's use of force and making any recommendations for modification of policy and/or training.

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DEPARTMENT AUTHORIZED WEAPONS

305.1 PURPOSE AND POLICY

PURPOSE

To define what weapons are authorized for use by the Department and set standards for their use and training.

POLICY

It is the policy of this Department that only approved equipment specifically authorized by the Department will be carried and used in the course of duty by members of the Department. It is also the policy of the Department that officers will be trained in the use of each weapon carried prior to authorization to carry and use the weapon. All officers will receive training in the use of authorized weapons at least yearly, unless specified otherwise, and the training will be conducted by persons trained as instructors. The department recognizes that exigent circumstances may require officers to use whatever means or objects available to prevent apparent great bodily harm or death to themselves or others.

305.1.1 AUTHORIZED WEAPONS / FIREARMS

On Duty Sidearms All on-duty officers will be armed with a department approved firearm. Authorized sidearms may be 9mm, .40 caliber or .45 caliber. No brand of firearm will be used unless the brand and caliber has been approved by the Firearms Training Sergeant after consulting with the Chief of Police. All sidearms will be carried in holsters approved for use by the Firearms Training Sergeant and designated instructors. Other sidearms and calibers may be authorized by the Chief of Police for specific duty assignments.

At least two additional ammunition feeding devices (magazines) shall be carried while on duty in a uniformed capacity.

Secondary Firearm An officer may elect to carry a secondary handgun on duty. If an officer chooses to do so, all of the authorization and qualification requirements which pertain to off duty firearms will also pertain to a secondary handgun. Off duty or secondary handguns must be chambered in a cartridge of no less than .380 (9X17mm) and carried in a holster approved by the Firearms Training Sergeant or designated firearms instructor.

Off Duty Firearms

(a) Are those carried by the officer while off duty or carried as a secondary firearm in addition to the on duty sidearm. The officer may also elect to carry their primary duty handgun as an off duty firearm.

(b) Any off duty sidearm carried by an officer must be submitted to the Firearms Training Sergeant or designated firearms, instructor or armorer to determine that the sidearm functions in accordance to manufacturer's specification and for general condition and serviceability.

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(c) The officer may be required to provide ammunition for proficiency qualifications with off duty firearms at the discretion of the firearms instructor if it is not one of the issue calibers.

(d) Off duty or secondary handguns must be chambered in a cartridge of no less than .380 (9X17mm) and carried in a holster approved by the Firearms Training Sergeant or designated firearms instructor unless otherwise authorized for special use.

(e) This policy does not apply to firearms used while off duty strictly for sporting, hunting or recreational purposes in specifically designated areas for such use.

Off Duty Carry Policy

(a) An officer's authority to carry a firearm off duty without having to obtain a specific "Permit to Carry" stems directly from the officer's employment with the Hopkins Police Department. Therefore, the carrying of a firearm while off duty, whether in the City of Hopkins or not, will be governed by Hopkins Police Department policy.

(b) Officers may carry a sidearm while off duty. Any sidearm carried as an off duty weapon by any member of the department must meet the conditions and specifications as set forth for authorized off duty sidearms or as otherwise approved by the Chief of Police.

(c) An officer who carries an off duty sidearm other than his/her regular on duty sidearm must qualify with each off duty sidearm carried at least annually.

(d) Newly hired officers who are in a Field Training status will not be permitted to carry a sidearm off duty until the successful completion of their Field Training period.

(e) An officer's use of a firearm while off duty will be governed by applicable State Statutes and Department policy.

(f) An officer will not carry a sidearm while consuming alcoholic beverages unless necessary in the performance of duty. An officer will not carry a sidearm while under the influence of alcohol or drugs.

(g) An officer who elects not to carry a sidearm off duty shall not be subject to disciplinary action if an occasion should arise in which the officer could have taken police action if he/she was armed.

305.1.2 AMMUNITION

The only ammunition permitted for duty or off duty use is ammunition issued or approved by the Department and the Firearms Training Sergeant. Personal hand loads, remanufactured and full metal jacket (FMJ) ammunition are not authorized for duty or off duty carry.

305.1.3 FIREARMS QUALIFICATIONS

Every sworn officer is required to pass an initial qualification and proficiency test prior to being allowed to carry a firearm as a member of the Hopkins Police Department.

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All sworn officers will be required to re-qualify with their department authorized firearm(s) at least yearly. During the qualification, Officers must pass all skills tests mandated by the MN POST Board and Hopkins Police Department firearms instructors.

Additional training sessions with firearms instructors will be scheduled during the year.

Officers are required to attend all firearms qualification/training sessions. **Absence from a scheduled qualification/training shall be only with permission of the Firearms Training Sergeant, Captain or Chief of Police.**

It is the responsibility of each individual officer to maintain a satisfactory level of proficiency in the use of firearms through regular practice. An officer who fails to qualify after two (2) initial attempts is required to arrange remedial training with a department firearms instructor. This will be at the convenience of the designated firearms instructor. (The firearms instructor may use duty time.) The officer must qualify within 30 days of the initial qualifying attempt.

(a) An officer who fails to qualify within the allotted time will not be authorized to carry a firearm.

(b) Officers not authorized to carry a firearm may face suspension and/or dismissal from the Department.

Exceptions to the above may be made only upon written approval of the Chief of Police.

305.1.4 FIREARMS INSPECTIONS

A firearm shall be submitted to a designated firearms instructor or factory certified armorer for inspection when:

(a) It has not been previously inspected.

(b) It has been mechanically altered.

(c) It is not functioning properly.

(d) When directed by a firearms instructor or supervisory officer

(e) During the mandatory yearly inspection of firearms

(f) For general inspection purposes to insure proper serviceability for duty or off duty use

305.1.5 IMPACT WEAPONS

All officers of the Department will be furnished with an impact weapon of a type authorized for use by the Training Sergeant and authorized use of force instructor. An impact weapon may be either a straight wooden/polymer baton or a collapsible baton such as an "ASP" or similar.

Officers using a collapsible baton will carry it on their duty belt. Straight wooden/polymer batons may be carried in the police squad but then must be carried by the officer when he/she is out of the squad on a call.

Impact weapons will be used in accordance with the Department policy dealing with use of Force. Officers will be trained annually in the proper use of impact weapons.

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The Chief of Police may authorize officers to be exempt from carrying an impact weapon on duty due to their assignment.

305.1.6 CHEMICAL AGENTS

Officers are authorized to carry chemical irritants which have been approved for use by the Chief of Police. Prior to authorization to carry a chemical spray, each officer must be trained in the application and effects of the chemical spray and the recommended post exposure treatment. Re-training will be done annually. It is recommended that initial training include controlled exposure of the officer to the effects of the spray.

When using chemical agents, officers should remember that they may not be effective against some individuals.

When transporting a subject who has been sprayed with a chemical agent, it is recommended that the subject be seated in an upright position.

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HANDCUFFING / HOBBLE / LEG RESTRAINT DEVICE

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 USE OF RESTRAINTS

Only members who have successfully completed Hopkins Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

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

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

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

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

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

306.4 HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

306.5 SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide

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assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

306.6 AUXILIARY RESTRAINT DEVICES

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

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

306.7 LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only the RIPP Hobble restraint device approved by the Department shall be used, and only in the Department-approved manner for temporary immobilization of the legs.

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

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

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

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

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

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

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

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

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

308.4 RESPONSIBILITIES

308.4.1 SERGEANT / OIC RESPONSIBILITIES

The Sergeant / OIC may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.4.2 TRAINING SERGEANT RESPONSIBILITIES

The Training Sergeant shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

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

308.4.3 USER RESPONSIBILITIES

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

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

308.5 BATON GUIDELINES

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

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Sergeant / OIC, Incident Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

308.7.1 OC SPRAY

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

308.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

308.8 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

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

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

308.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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TASER / Conducted Electrical Weapon (CEW) / Electro-Muscular Disruption Technology (EMDT) device Guidelines

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER / Electro-Muscular Disruption Technology (EMDT) device.

309.2 POLICY

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

309.2.1 DEFINITION

For the purposes of this policy and those in this manual, TASER, TASER X26, TASER X2, CEW and EMDT have the same meaning.

309.3 ISSUANCE AND CARRYING EMDTS

Personnel who have completed department-approved training may be issued the TASER device for use during the current assignment. Personnel leaving a particular assignment may be expected to return it to the department's inventory.

Officers shall only use the TASER X26 or TASER X2 device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

When the TASER device is carried as part of a uniformed officer's equipment, the TASER device shall be carried on the side opposite the duty weapon.

(a) Whenever practicable, officers should carry a total of one or more extra TASER device cartridges on their person in an approved cartridge holder when carrying the CED device. Carrying extra TASER cartridges in the officer's pocket is strongly discouraged due to the potential for electrostatic discharge causing the cartridge to activate.

(b) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order at all times.

(c) Officers should never hold both a firearm and the TASER device at the same time.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of "Taser Taser" should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

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(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the EMDT may be deployed.

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

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

309.4.1 APPLICATION OF THE TASER/EMDT DEVICE

Authorized personnel may use the TASER/EMDT device when circumstances known to the officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:

(a) The subject is violent or physically resisting.

(b) A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others.

  1. When practicable, the officer should give a verbal warning of the intended use of the TASER/EMDT device followed by a reasonable opportunity to voluntarily comply.

  2. The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the officer, the subject or others.

(c) Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officers shall not serve as good cause for the use of the EMDT to apprehend an individual.

309.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER/EMDT device should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the TASER/EMDT device:

(a) Pregnant females.

(b) Elderly individuals or obvious juveniles.

(c) Individuals who are handcuffed or otherwise restrained.

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(d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any flammable material.

(e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the EMDT in the drive-stun mode (i.e., direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

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

309.4.3 REPORT OF USE

All EMDT discharges shall be documented in the related arrest/offense/information report and notification made to a supervisor in compliance with Policy § 300.4.1. Negligent discharges of a EMDT cartridge will also be documented.

Negligent discharges will be documented with a memo written to the Officer's supervisor.

Any report documenting the discharge of a EMDT cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The onboard EMDT memory will be downloaded through the data port by a TASER instructor and saved with the related arrest/crime report.

Photographs of probe sites should be taken and the expended cartridge along with both probes and wire should be submitted by the officer collecting the cartridge into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5 USE OF THE EMDT

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

The X26 TASER may be issued to and deployed by all department members trained and certified as an operator. The TASER shall be worn in a Department provided holster or a Department approved holster on the officer's non-firearm side to avoid the officer mistakenly drawing their firearm in a stressful situation.

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309.5.1 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the EMDT probes to a precise target area, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

309.5.2 MULTIPLE APPLICATIONS OF THE EMDT

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

(a) Whether the probes are making proper contact.

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

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

Officers should generally not intentionally apply more than one EMDT at a time against a single subject.

309.5.3 DANGEROUS ANIMALS

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

309.5.4 TASER CAM

The TASER CAM is an audio-video recording device integrated into the power supply of the TASER device. The TASER CAM is activated any time the safety is in the off position.

Any time the TASER CAM is utilized against a subject, the video and audio data should be downloaded in accordance with Department evidence procedures and referenced in the related case report. Absent pending litigation or other valid reason to retain video and audio recordings not booked as evidence, such recordings will be maintained for no less than the period of time established by the City records retention schedule, after which they may be considered for disposal.

309.5.5 OFF-DUTY CONSIDERATIONS

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

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

309.6 DOCUMENTATION

Officers shall document all EMDT discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges,

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pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

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

(a) Identification of all personnel firing EMDTs

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

309.7 MEDICAL TREATMENT

Officers that have been trained to do so may carefully remove EMDT device darts from a person's body. Used EMDT device darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken.

All persons who have been struck by EMDT probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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

(b) The person may be pregnant.

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

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

(e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (sometimes called "excited delirium") or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

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

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309.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the EMDT. The device's onboard memory should be downloaded through the data port by a Taser instructor or other qualified and trained department member and saved with the related arrest/ crime report. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

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

Proficiency training for personnel who have been issued EMDTs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for EMDTs will be documented in the officer's training file.

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

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

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

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

The Training Sergeant should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(d) Handcuffing a subject during the application of the EMDT and transitioning to other force options.

(e) De-escalation techniques.

Training and qualification records for all authorized weapons including EMDT/TASER will be maintained for each officer. The training sergeant is responsible for these records.

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Officer-Involved Shooting / Investigation

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting or the Officer discharges their weapon at another person/building etc and no one was injured.

The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner (Minn. R. 6700.2200(B)).

310.2 INVESTIGATION RESPONSIBILITIES

This department will conform to these guidelines when an Officer discharges their weapon within the course of duty other than at the range or to dispatch an animal.

310.3 TYPES OF INVESTIGATIONS

Peace officer-involved shootings involve several separate investigations. The investigations may include:

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may, however, relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or designee.

(b) A criminal investigation of the involved officer(s) conducted by an outside agency.

(c) A civil investigation to determine potential liability conducted by the involved officer's agency.

(d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of Department policy.

(e) A licensing investigation by POST to determine if grounds exist for disciplinary action against the officer's license to practice.

310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.4.1 HOPKINS POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Hopkins Police Department is responsible for the civil investigation and the administrative investigation.

This investigation of the officer-involved shooting will be conducted by the Hennepin County Sheriff's Office or other agency asked to conduct the investigation at the discretion of the Chief of Police

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310.4.2 OUTSIDE AGENCY'S PEACE OFFICER WITHIN THIS JURISDICTION

The Hopkins Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by this department or an uninvolved outside agency after consulting with the Officer's home agency and the Chief of Police.

The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

310.4.3 HOPKINS POLICE DEPARTMENT OFFICER_DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Hopkins Police Department will conduct timely civil and/or administrative investigations of its own personnel.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	**Criminal Investigation of Peace Officer(s)**	**Civil Investigation**	**Administrative Investigation**
HPD Officer in This Jurisdiction	HCSO	HCSO	HPD	HPD Captain
Outside Agency's Peace Officer in This Jurisdiction	HPD Investigators or HCSO	HPD Investigators or HCSO	Involved Peace Officer's Agency	Involved Peace Officer's Agency
HPD Officer in Another Jurisdiction	Agency where incident occurred	Agency where incident occurred	HPD	HPD Captain

310.4.5 POST ADMINISTRATIVE INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based on a complaint alleging a violation of a statute or rule that the board is empowered to enforce. An officer-involved shooting may result in such an allegation. Any such complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10 Subd. 10).

310.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting:

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310.5.1 DUTIES OF INITIAL OFFICER ARRIVING ON SCENE

Upon arrival at the scene of an officer-involved shooting, the first uninvolved officer will be the officer-in-charge and assume the duties of a supervisor until relieved by the responding supervisor, and should:

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

(b) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(c) Coordinate a perimeter or pursuit of suspects as appropriate.

(d) Request additional resources, units or agencies as appropriate.

(e) Brief the supervisor upon arrival.

310.5.2 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should continue and complete the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).

    1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a voluntary brief overview from one shooter officer.

(b) If necessary, the supervisor may administratively order any officer from this department to immediately provide publicsafetyinformation necessary to secure the scene and pursue suspects.

    1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(c) Absent a voluntary statement from any officer(s), the initial on-scene supervisor should not attempt to order any officer to provide any information other than public safety information.

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

(e) Take command of and secure the incident scene with additional personnel until relieved by an investigations supervisor or other assigned personnel.

(f) Notify the Captain and Chief of Police of the situation.

(g) Determine staffing needs to handle patrol functions during the investigation of the incident

(h) Request additional resources which may be needed to help coordinate and assist in any investigation of the incident (investigative Sergeant, Hopkins and Hennepin County investigators, crime lab, etc.)

(i) As soon as practicable, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.

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1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.
3. If practicable, an non-involved Officer should be assigned to accompany the shooter Officer(s) to the station.

310.5.3 SERGEANT / OIC DUTIES

Upon learning of an officer-involved shooting, the Sergeant / OIC shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or designee.

310.5.4 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

- Chief of Police
- Operations Captain
- Investigations Sergeant
- Outside agency investigators (if appropriate)
- Medical Examiner (if necessary)
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Sergeant / OIC.

310.5.5 MEDIA RELATIONS

A single media release shall be prepared with input and concurrence from the supervisor and the agency representative responsible for each phase of the investigation. This release will be available to the Sergeant / OIC, Captain and Press Information Officer in the event of inquiries from the media.

It is the policy of this department to release the identities of involved officers when the release does not hinder a law enforcement purpose, does not reveal the identity of an undercover law enforcement officer and as otherwise required by law (Minn. Stat. § 13.82). No involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or designee.

Employees receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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310.5.6 INVOLVED OFFICERS

Once the involved officers have arrived at the station, the Sergeant / OIC should direct each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for department or legal or union representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

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

(c) Discussions with organization representatives (e.g., employee association) will be privileged only if otherwise protected by evidentiary privilege.

(d) A psychologist or other psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.

    1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the officer is fit for return to duty.

    2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

Investigators shall make reasonable accommodations to the officer's physical and emotional needs.

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

310.5.7 DEBRIEFING

In all cases where a person has been injured or killed as a result of a firearms discharge by a police officer, the involved officer will be required to undergo a de-briefing with a department authorized psychologist as soon as possible. The de-briefing should not be related to any department or criminal investigation of the incident and nothing discussed in the de-briefing will be reported to the department.

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The de-briefing will be protected by the privileged physician-patient relationship. If the psychologist continues in treatment of the involved officer, they may consult with the Chief of Police to determine when the officer can resume regular duty.

310.5.8 ADMINISTRATIVE LEAVE/DUTY
Any officer directly involved in the use of deadly force against another shall be placed on administrative leave or duty. This leave or duty shall be without loss of pay or benefits and shall not be interpreted, implied or indicated that the officer acted improperly.

The Department recognizes the impact that a shooter or other use of deadly force may have on an officer. During administrative leave or duty, the officer will be provided with all the resources necessary for physical and emotional recovery from the incident. While on administrative leave or duty the officer will:

(a) Remain available for official departmental interviews regarding the incident and shall be subjected to recall to duty at any time

(b) Discuss the incident only with personnel assigned to investigate the incident, person attorney, medical personnel, clergy, critical incident stress peer counselor and the officer's immediate family.

(c) Actively participate in his/her emotional and medical recovery by following the course of treatment developed by medical and psychological health professionals.

The Chief of Police will determine when the officer will be reassigned to his/her previous duty. This will be done after consulting with the officer and the officer's health care professionals.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 INVESTIGATIVE PERSONNEL
Once notified of an officer-involved shooting, it shall be the responsibility of the Captain to assign appropriate personnel to handle the investigation of related crimes.

If the investigation is handled by HCSO or an outside agency, the Captain will coordinate with that agency to accomodate thier needs for information and access to Officers.

All related reports, except reports deemed confidential and/or administrative, will be forwarded to the designated supervisor for approval. Confidential reports shall be maintained exclusively by personnel authorized such access. Administrative reports will be forwarded to the Captain.

310.6.2 CRIMINAL INVESTIGATION
This department may utilize an outside agency to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigations personnel from this department may be assigned to partner with investigators from the outside agency to avoid duplicate efforts in related criminal investigations.

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Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Captain should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring interviews or indirectly providing areas for inquiry.

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

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) No administratively coerced statement(s) will be provided to any criminal investigators.

310.6.3 REPORTS BY INVOLVED OFFICERS

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

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

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

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

310.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

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

    1. When feasible, a recorded statement should be obtained from persons who claim they did not witness the incident but were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Department personnel.

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

(c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

310.8 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation, to determine conformance with Department policy. This investigation will be conducted under the supervision of the Captain and will be considered a confidential investigative file.

(a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening in accordance with the drug and alcohol testing guidelines the Alcohol and Drug Use Policy adopted under the authority of Minn. Stat. § 181.950 to Minn. Stat. § 181.957. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

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

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

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

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1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select two uninvolved representatives, which may include legal representation, to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
3. Administrative interview(s) should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be provided 48 hours notice and informed of the nature of the investigation, their *Garrity* and Peace Officer Bill of Rights, and assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.
5. The administrative interview shall be considered part of the officer's administrative investigation file.
6. The Captain shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Captain, who will determine if there was compliance with the Use of Force Policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.9 CIVIL LIABILITY RESPONSE

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

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

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Duty Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use and documentation of training in the use of duty firearms. The Chief of Police or designee shall approve all duty firearms before they are acquired and utilized by any member of this department.

312.1.1 AUTHORIZATION TO CARRY FIREARMS

Only licensed personnel who have met all state standards and have been authorized by the Chief of Police shall have the peace officer privilege to carry a firearm both on- and off duty (Minn. R. 6700.0200 and Minn. R. 6700.0300).

The Chief of Police or designee may suspend the peace officer privilege to carry a firearm during the period of a suspension from duty or other removal from active duty.

312.2 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on- and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.2.1 SAFETY CONSIDERATIONS

(a) Officers shall not unnecessarily display or handle any firearm. All handguns are to be properly and safely unloaded and cleared prior to maintenance or inspection purposes.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the firearms range and shall obey all orders issued by the Firearms Training Sergeant and designated firearms instructors. Officers shall not dry fire or practice holstering/unholstering their handgun except under specified conditions, in designated areas and under the Firearms Training Sergeant or firearms instructor supervision.

(c) Any member who discharges his/her weapon negligently or intentionally, on- or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with the Captain prior to the end of shift. If off-duty, as directed by the supervisor.

(d) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded outside buildings and vehicles utilizing safe firearms handling.

(e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is secured and locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a designated secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm. No loaded firearms are allowed to be stored in the department armory.

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(f) Officers shall not use any select fire firearm, heavy caliber rifles, gas or other types of chemical weapons (from the armory) unless specially trained and authorized except with approval of a supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the Department Firearms Training Sergeant for or designated armorer for inspection. Any weapon determined to be in need of service or repair during an inspection by the Department Firearms Training Sergeant or designated armorer will be immediately removed from service. If the firearm is the officer's primary duty sidearm a replacement firearm will be issued to the officer until the duty sidearm is rendered serviceable by an certified armorer.

(h) At the beginning of their shift, it is the responsibility of the individual officer to inspect the issue squad carbine for serviceability to include but not limited to serviceability, proper working order of all components and proper squad configuration for duty.

312.2.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep the weapon inaccessible to children and irresponsible adults (Minn. Stat. § 609.666 and Minn. Stat. § 609.378 Subd. 1 (c)).

312.3 AUTHORIZED WEAPONS

No duty firearms will be carried that have not been thoroughly inspected by the Firearms Training Sergeant and/or designated firearms instructor or armorer during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no duty firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the Captain. This exclusion does not apply to the carrying of a folding pocketknife or multi tool that is not otherwise prohibited by law.

312.3.1 DUTY WEAPONS

Only issued or approved handguns, shotguns and rifles are authorized for on-duty use. The authorized Department-issued handgun is the Glock Model 22C .40 S&W. Other handguns may be carried only after the approval of the Firearms Training Sergeant.

The authorized Department issued carbine is the Smith and Wesson AR15 chambered in 5.56mm and assigned to each marked patrol vehicle. Other rifles and shotguns can be carried only after the approval of the Firearms Training Sergeant.

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312.3.2 AUTHORIZED SECONDARY FIREARMS

Officers desiring to carry a secondary firearm are subject to the following restrictions:

(a) The firearm shall be in good working order and approved by the Firearms Training Sergeant.

(b) Only one secondary firearm may be carried at a time and in an approved holster.

(c) The purchase of the secondary firearm and ammunition shall be the responsibility of the officer unless it is chambered in an issue caliber.

(d) The secondary firearm shall be carried in an approved holster, concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control of the firearm.

(e) The secondary firearm shall be inspected by the Firearms Training Sergeant prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

(f) Ammunition may be the same as department issue. If the caliber of the firearm is other than department issue, the Chief of Police, Firearms Training Sergeant or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision of a department firearms instructor and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency, safe handling, and that the firearm functions properly.

(h) Personnel shall provide the make, model, serial number and caliber of a second firearm to the Firearms Training Sergeant or designated firearms instructor upon qualifying.

312.3.3 AUTHORIZED OFF-DUTY FIREARMS

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

(a) The firearm shall be serviceable and approved by the Firearms Training Sergeant.

(b) The purchase of the firearm and ammunition shall be the responsibility of the officer unless chambered in an issued caliber.

(c) The firearm shall be carried in an approved holster, concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control of the firearm.

(d) It will be the responsibility of the officer to submit the firearm to the Firearms Training Sergeant for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Training Sergeant, firearms instructor or certified armorer. Prior to carrying any off-duty firearm, the officer shall demonstrate that he/she

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is proficient in the operation, maintenance, and handling of that firearm and that it will be carried in a safe manner.

(e) The officer will successfully qualify with the off duty firearm prior to it being carried and thereafter once a year. The range qualification dates will be specified by the Firearms Training Sergeant or designee.

(f) A complete description of the firearm shall be contained on the qualification record approved by the Firearms Training Sergeant.

(g) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.

(h) Officers shall only carry department-authorized ammunition.

(i) It is recommended that officers carry at least one spare ammunition loading device (magazine/speed loader) when carrying an off duty firearm.

(j) When armed, whether on- or off-duty, officers shall carry their badge and/or department identification.

312.3.4 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department-issued firearms during the officer's first scheduled qualification each year and as necessary to replenish expended duty ammunition or that that is rendered unserviceable through the course of duty. Officers carrying personally owned authorized firearms off duty of a caliber differing from Department-issued firearms shall be responsible for obtaining ammunition in accordance with the above at their own expense.

Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Training Sergeant or designated firearms instructors when needed in accordance with established procedure.

312.3.5 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

312.3.6 LASER SIGHTS / TACTICAL LIGHTS

Laser sights and tactical firearms lights may only be installed on a weapon carried on or off duty after the laser sights/tactical lights have been examined and approved by the Firearms Training Sergeant.

(a) Any approved laser sight and/or tactical light shall only be installed in strict accordance with manufacturer specifications and inspected by the Firearms Training Sergeant prior to using.

(b) Only laser sights and tactical lights that do not require permanent modification of the firearm are authorized.

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(c) Once approved laser sights and/or tactical lights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the firearm prior to carrying it. Except in an approved training situation, an officer may only activate a laser sight and/or tactical firearms lights when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

(d) Only approved holsters specifically designed to accommodate a tactical light equipped firearm are authorized for duty/off duty use. Officers must be able to draw/reholster a firearm equipped with a tactical light without attaching or removing the tactical light.

312.4 DUTY FIREARMS PROFICIENCY

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

An officer failing to demonstrate a minimum level of proficiency with any duty firearm he/she is authorized to use may not carry or use the duty firearm until he/she participates in the remedial duty firearm course provided by the Department.

All licensed personnel shall participate in annual Department training regarding the use of force, deadly force and the use of firearms (Minn. Stat. § 626.8452 Subd. 3).

312.4.1 QUALIFICATIONS

All licensed personnel are required to qualify as determined by the Firearms Training Sergeant and show weapons proficiency with all duty firearms on an approved range course or as directed by the Firearms Training Sergeant.

In addition to regular qualification schedules, the Firearms Training Sergeant shall be responsible for providing all licensed personnel with regular practical training designed to simulate field situations, including shoot, no-shoot situations. One of these quarterly qualifications may be concurrent with, and used to fulfill the requirements of the Duty Firearms Policy.

312.4.2 NON-QUALIFICATION

If an officer is unable to qualify for any reason, including injury, illness, duty status or scheduling conflict, that officer shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

Members who fail to demonstrate duty firearms proficiency as required by law, or who fail to qualify over a six month period will be relieved from field assignment and appropriate disciplinary action may follow.

Licensed members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.

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(b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.

(c) No range credit will be given for the following:

1. Unauthorized range make-up.
2. Failure to qualify after remedial training.

312.5 FIREARM TRAINING SERGEANT DUTIES

The range will be under the exclusive control of the Firearms Training Sergeant and/or their designee. All members attending will follow the directions of the Firearms Training Sergeant or designated firearms instructor. The firearms instructors will maintain a roster of all members attending the range and will submit the roster to the Firearms Training Sergeant after each range date. Failure of any officer to sign in and out with the Firearms Training Sergeant or designee may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department. The range can be used at any time when there are two or more people present on the range.

The Firearms Training Sergeant and/or their designee has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Firearms Training Sergeant has the authority to deem any privately owned firearm used for on or off duty carry unfit for service. The officer will be responsible for all repairs to his/her personal firearm; it will not be returned to service until inspected by the Firearms Training Sergeant.

The Firearms Training Sergeant has the responsibility to ensure each officer on a yearly basis can demonstrate proficiency in the maintenance of the duty weapon. The Firearms Training Sergeant shall complete and submit to the Training Sergeant documentation of the courses provided, including the qualifications of each instructor, a description of the training provided and a list of each officer who completes training. This list should be entered on a form that has been approved by the POST Board.

312.5.1 FIREARMS INSTRUCTOR PROFICIENCY

Each firearms instructor shall meet the proficiency requirements in Minn. Stat. § 624.714 Subd. 2 a.

312.6 MAINTENANCE AND REPAIR

Personal and Department-owned duty firearms shall be inspected annually to determine the safety and functioning of the weapon.

Firearms carried on and off duty shall be maintained in a serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

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312.6.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Firearms Training Sergeant will approve any modification to a duty or off duty firearm to include but not limited to finish, optics, lights, lasers, grips, sights and internal parts. The Firearms Training Sergeant and/or their designee shall be the only people authorized to repair or modify any Department-owned weapon beyond user level maintenance. Only certified armorers or gunsmiths are authorized to modify/repair department owned firearms beyond user level maintenance. All repairs and/or modifications of Department-issued or personally owned firearms used for duty or off duty not performed by the Firearms Training Sergeant or designated certified armorers must be authorized in advance by the Firearms Training Sergeant and completed by a Department-approved gunsmith or armorer who is certified to repair such firearm. Any repairs or modifications to the officer's personally owned weapon used for duty or off duty use shall be done at the officer's expense and must be approved by the Firearms Training Sergeant.

312.7 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

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

(c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary and should include that the officer has completed the mandatory TSA training for law enforcement officers flying while armed.

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

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

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

(h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

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

312.8 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Retired Officer Concealed Firearm Permit Policy) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B and C):

(a) The officer shall carry his/her Department identification card whenever carrying such weapon.

(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

(c) The officer is not the subject of any current disciplinary action.

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

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

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

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC § 926B and C.

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (Minn. Stat. § 626.8458 Subd. 1).

314.1.1 PHILOSOPHY

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

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

314.2 DEFINITIONS

Definitions related to this policy include:

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

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

Pursuit Intervention Technique (PIT) - A maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

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

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

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

Vehicle pursuit - An event in which a peace officer initiates a vehicular stop and a driver resists the signal or order to stop by increasing speed, taking evasive action or otherwise refusing to stop the vehicle.

Primary unit - Normally the unit that had initiated the pursuit and/or the police vehicle first in line behind the suspect vehicle.

Secondary Unit - Any other police vehicle that becomes involved in the active pursuit of the suspect vehicle.

Backup Unit - Other police units that may assist the pursuing units once the suspect vehicle has stopped or the pursuit has been terminated by other means.

Unmarked / Semi Marked Police Vehicles - Unmarked police vehicles are those official vehicles not carrying official markings and/or exterior mounted emergency equipment.

(a) Unmarked / Semi Marked Police Vehicles are allowed to initiate a pursuit.

(b) As soon as safely possible, the Unmarked / Semi Marked vehicle should be relieved of their role as primary unit. This relief should be clearly communicated over the radio.

(c) Once enough units are involved to safely pursue the suspect vehicle, the Unmarked / Semi Marked vehicle should leave the pursuit.

314.3 OFFICER RESPONSIBILITIES

It is the policy of this department that a vehicle pursuit shall be conducted with at least one flashing red warning lamp visible from the front and a siren on an authorized emergency vehicle (Minn. Stat. § 169.03 Subd. 2 and Minn. Stat. § 169.68).

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

314.3.1 WHEN TO INITIATE A PURSUIT

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

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

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

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(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Age of the suspect and occupants.

(l) Availability of other resources, such as aircraft assistance.

(m) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

314.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

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

(a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) Pursued vehicle's location is no longer definitely known.

(c) Officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) Pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

(e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

(f) Hazards to uninvolved bystanders or motorists.

(g) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(h) When directed to terminate the pursuit by a supervisor.

314.3.3 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances (Minn. R. § 6700.2701 (B)).

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An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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

314.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

314.4.2 PRIMARY UNIT RESPONSIBILITIES

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

The primary unit should notify Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of occupants.

(f) The identity or description of the known occupants.

(g) Weather, road and traffic conditions.

(h) Identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

(j) Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458 Subd. 2 (6)).

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the

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progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

314.4.3 SECONDARY/BACK UP UNIT(S) RESPONSIBILITIES

Secondary Unit(s)

The second officer in the pursuit is responsible for the following:

(a) Immediately notifying the dispatcher of entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Serve as backup to the primary unit once the subject has been stopped.

Back Up Unit(s)

The backup units will not be actively involved in the pursuit, but will be available to assist in the apprehension of the suspect once the pursuit has been terminated.

314.4.4 PURSUIT DRIVING TACTICS

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

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

(b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

    1. Request assistance from an available air unit.

    2. Maintain visual contact with the pursued vehicle by paralleling on the correct side of the roadway.

    3. Request other units to observe exits available to the suspect(s).

(d) Notify the agencies if it appears the pursuit may enter their jurisdiction. If needed, request their assistance.

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(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit, and a clear understanding of the maneuver process exists between the involved officers.

314.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a safe manner only activating lights and siren if deemed necessary.

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

314.4.6 PURSUIT TRAILING

In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term "trail" means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.4.7 AIRCRAFT ASSISTANCE

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

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

314.5 SERGEANT/OIC CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department (Minn. Stat. § 626.8458 Subd. 2 (4)).

The Sergeant/OIC of the officer initiating the pursuit will be responsible for the following:

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(a) Upon becoming aware of a pursuit, immediately notify involved officers and Dispatch of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.

(b) Engage in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercise management and control of the pursuit even if not engaged in it.

(d) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Direct that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensure that aircraft assistance is requested if available.

(g) Ensure that the proper radio channel is being used.

(h) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Control and manage HPD units when a pursuit enters another jurisdiction.

(j) Prepare a post-pursuit critique and analysis of the pursuit for training purposes.

314.5.1 SERGEANT / OIC RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Sergeant / OIC should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Sergeant / OIC has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command (Minn. Stat. § 626.8458 Subd. 2 (8)).

The Sergeant / OIC shall review all pertinent reports for content and forward them to the Captain.

314.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.6.1 DISPATCH RESPONSIBILITIES

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

(a) Coordinate pursuit communications of the involved units and personnel.

(b) Notify and coordinate with other involved or affected agencies as practicable.

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(c) Ensure that a field supervisor is notified of the pursuit.

(d) Assign an incident number and log all pursuit activities.

(e) Broadcast pursuit updates as well as other pertinent information as necessary.

(f) Notify the Sergeant / OIC as soon as practicable.

Hennepin County Dispatch will accomplish these goals within their own policies/procedures.

314.6.2 LOSS OF PURSUED VEHICLE

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

314.7 INTER-JURISDICTIONAL CONSIDERATIONS

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

314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Hopkins Police Department officers will discontinue the pursuit when another agency has assumed control of the pursuit unless continued assistance of the Hopkins Police Department is requested by the agency assuming the pursuit.

- Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.
- The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.
- Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assist with and/or assume a pursuit should be specific.

314.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

(a) Ability to maintain the pursuit.

(b) Circumstances serious enough to continue the pursuit.

(c) Adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

(e) Safety of the pursuing officers.

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

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

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

314.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

314.8.1 WHEN USE AUTHORIZED

In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

It is imperative that officers act within legal bounds using good judgment and accepted practices.

314.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

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314.8.3 PURSUIT TECHNIQUES AND STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to Department policies guiding such use. Officers who have not received Department-approved training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

Pursuit Intervention Technique (PIT)

Only those officers trained in the use of the PIT may use it

(a) Because the primary concern in all pursuits is the safety of the public, it is essential that all pursuits be ended quickly. Once an officer is certain that a subject is starting to flee, the officer should immediately look for and utilize opportunities to end the pursuit with a pursuit intervention technique. Early proper use of this technique will accomplish the goals of public safety and apprehension/arrest of the suspect. It is appropriate to use at any time during a pursuit when it can successfully shorten the pursuit and reduce the risk to the public.

Blocking

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

(a) The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers or other members of the public.

(b) All other reasonable intervention techniques have failed or reasonably appear ineffective.

(c) Employing the blocking maneuver does not unreasonably increase the risk to officer safety.

(d) The target vehicle is stopped or traveling at a low speed.

(e) At no time should civilian vehicles be used to deploy this technique

Ramming

(a) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before the fact of ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act; that is a matter for the courts to determine by established law. When

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ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:

1. The Officer is authorized to use deadly force as described in this manual.

Boxing In/Rolling Roadblocks

(a) Pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

Spike Strips

(a) Spike strips should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

Stationary Roadblocks

(a) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

314.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

314.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations. The Support Services Manager shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. 626.5532):

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(a) The primary officer shall complete appropriate crime/arrest reports.

(b) Secondary units will also complete supplementary reports at the direction of the Sergeant/ OIC.

(c) The primary officer or supervisor shall complete the appropriate pursuit report.

(d) After first obtaining available information, the on-duty field supervisor shall promptly complete a Significant Incident Report, briefly summarizing the pursuit to the Chief of Police or designee. This memo should minimally contain the following information (Minn. Stat. 626.5532):

1. Date and time of pursuit.
2. Length of pursuit in distance and time.
3. Involved units and officers.
4. Initial reason and circumstances surrounding the pursuit.
5. Starting and termination points.
6. Alleged offense, charges filed or disposition: arrest, citation or other release.
7. Arrestee information should be provided if applicable.
8. Injuries and/or property damage.
9. Medical treatment.
10. The outcome of the pursuit.
11. Name of supervisor handling or at the scene.
12. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

(e) After receiving copies of reports, logs and other pertinent information, the Sergeant will:

1. Conduct a review and debriefing with the involved Officers and other department employees that were involved in the pursuit.
2. Critique the effectiveness and conformity of the pursuit with this policy.
3. Forward all reports and paperwork to the Patrol Captain.
4. Notify the Chief of Police and/or anyone else required to be notified under Departmental policy.

(f) Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

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314.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed non-exempt employees will participate, no less than annually, in regular and periodic training on this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

The Training Sergeant shall ensure the frequency and content of emergency vehicle operations and vehicle pursuit training meets or exceeds that required by law (Minn. Stat. § 626.8458 Subd. 5 and Minn. R. § 6700.2702).

314.9.2 POLICY REVIEW

Each licensed member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

314.9.3 YEARLY CERTIFICATION

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

314.9.4 PUBLIC DISCLOSURE

Copies of the current pursuit policy shall be made available to the public on request.

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Officer Response to Calls / Operation of Police Vehicles

316.1 PURPOSE AND SCOPE

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

316.2 PHILOSOPHY

Police vehicles are an invaluable tool for policing in the city of Hopkins. They provide work space for officers and enable rapid response to emergency calls and other calls for service, as well as a tool for pursuit and apprehension of criminals and traffic violators.

The presence of a police vehicle provides reassurance to crime victims and law-Abiding citizens and it provides a deterrent effect for law violators. Operating a police vehicle is also one of the most consistently hazardous aspects of police work. Under all circumstances the police vehicle shall be operated in a way that reflects upon the competence and professionalism of the Hopkins Police Department and its staff.

316.2.1 RESPONSE TO EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate. Officers responding to an emergency call shall sound the siren or display at least one lighted red light to the front of the vehicle. Whenever practicable, during an emergency call response the officer should continuously operate emergency lighting equipment and sound the siren (Minn. Stat. § 169.03 et seq.).

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

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

316.2.2 RESPONSE TO NON-EMERGENCY CALLS

Normal responses to calls will include all appropriate lighting as required by law.

Under tactical considerations, when investigating criminal or suspected criminal violations, or as otherwise appropriate and reasonable, an officer may be temporarily exempt from regular, non-emergency lighting standards for vehicles and watercraft (Minn. Stat. § 169.541).

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However, absent extreme circumstances an employee may not operate a vehicle without regular, non-emergency lighting, as required by law, on:

(a) An interstate highway or freeway.

(b) At speeds greater than what is reasonably safe under the conditions.

316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

316.3.1 NUMBER OF UNITS PARTICIPATING

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

316.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency call response to any call is appropriate, the officer shall immediately notify Dispatch if appropriate. Emergency responses of more than one unit should include, if circumstances reasonably permit, coordination of the response of the second responding unit by Dispatch to avoid unanticipated intersecting of response routes.

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

316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

(b) Exceed any speed limits, provided this does not endanger life or property (Minn. Stat. § 169.17)

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

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

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

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

316.5.1 UNMARKED POLICE VEHICLES

Unmarked police vehicles are those official vehicles typically used for investigations and administrative duties.

(a) Operators of unmarked police vehicles must utilize extreme caution during any emergency response to insure a safe pathway when exceeding the speed limit, entering any intersection or traveling in an area where pedestrian traffic might be expected.

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. This shall be done in accordance with Hennepin County Dispatch policies and procedures.

316.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated.

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

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

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

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

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

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

316.8 FAILURE OF EMERGENCY EQUIPMENT

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

316.9 TRAINING

Employees authorized to engage in emergency driving shall receive a minimum of eight hours of effective and regular training, including instruction on defensive driving and review of appropriate policies, as designated by the Training Sergeant or at least every three years (Minn. Stat. § 626.8458 Subd. 5).

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Domestic Abuse

320.1 PURPOSE AND SCOPE

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

320.1.1 DEFINITIONS

Definitions related to this policy include:

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

Domestic abuse - Commission of any of the following if committed against a family or household member by another family or household member (Minn. Stat. § 518B.01 Subd. 2):

(a) Actual or fear of imminent physical harm, bodily injury, or assault

(b) Terroristic threats (Minn. Stat. § 609.713)

(c) Criminal sexual conduct (Minn. Stat. § 609.342 to Minn. Stat. § 609.3451)

(d) Interference with an emergency call (Minn. Stat. § 609.78)

320.2 POLICY

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

320.3 OFFICER SAFETY

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

320.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent or ongoing domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

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(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Unit in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.

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9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail (Minn. Stat. § 629.72 Subd. 6).

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report and/or CAD.

320.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic abuse information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources by issuing them a victim's rights card.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

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(g) Ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for. If no reasonable care can be found, contact social services for placement.

(h) Contact Sojourner, preferably at the scene, and give them the relevant information from the call.

320.6 DISPATCH ASSISTANCE/DUTIES

Hennepin County dispatch will handle domestic calls for service in compliance with their policies and procedures.

320.7 FOREIGN COURT ORDERS

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

320.8 VERIFICATION OF COURT ORDERS

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

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

320.9 LEGAL MANDATES AND RELEVANT LAWS

Minnesota law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic abuse report should consider the following:

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(a) An officer has the authority to arrest a person without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, exclusive of the day probable cause was established, assaulted, threatened with a dangerous weapon or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not rise to the level of a felony or did not take place in the presence of the peace officer (Minn. Stat. § 629.34; Minn. Stat. § 629.341).

(b) Officers should generally not make dual arrests but may make an arrest of a primary aggressor. Where there are allegations that each party assaulted the other, the officer shall determine whether there is sufficient evidence to conclude that one of the parties was the primary aggressor based on the following criteria and the officer's judgment (Minn. Stat. § 629.342, Subd. 2):

1. Comparative extent of any injuries inflicted
2. Fear of physical injury because of past or present threats
3. Actions taken in self-defense or to protect oneself
4. History of domestic abuse perpetrated by one party against the other
5. Existence or previous existence of an order for protection

(c) An officer shall not issue a citation in lieu of arrest and detention to an individual charged with any of the following offenses (Minn. Stat. § 629.72):

1. Stalking
2. Domestic abuse
3. Violation of an order for protection
4. Violation of a domestic abuse no contact order

(d) The Sergeant / OIC will determine whether a person arrested on a charge of stalking any person, domestic abuse, violation of an order for protection, violation of a domestic abuse no contact order or violation of a court-ordered transfer of firearms will be held in custody or be issued a citation in lieu of continued detention and released after booking. The person shall be held in custody whenever the Sergeant / OIC determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):

1. Poses a threat to the alleged victim or another family or household member.
2. Poses a threat to public safety.
3. Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings.

(e) Officers shall arrest and take into custody, without a warrant, a person whom the peace officer has probable cause to believe has violated a court order issued pursuant to Minn.

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Stat. § 518B.01 or Minn. Stat. § 629.75. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the officer can verify the existence of the order. If the person is not released on citation in lieu of continuing detention, the person shall be held in custody for these violations for at least 36 hours unless released by a court (Minn. Stat. § 518B.01; Minn. Stat. § 629.75).

(f) An arrest for a violation of an order of protection may be made regardless of whether the excluded party was invited back to the residence (Minn. Stat. § 518B.01, Subd. 18).

(g) Following an arrest, an officer should contact the local domestic abuse program by phone as soon as possible and provide the name and address of the victim and a brief factual account of events associated with the action.

(h) An officer shall arrest and take into custody a person whom the officer has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748.

(i) Officers are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of any other no contact or restraining order issued by a court, even if the offense did not rise to the level of a felony (Minn. Stat. § 629.34). While conducting a domestic abuse investigation officers shall attempt to verify whether there has been a court order issued.

(j) Officers should consider whether other offenses have been committed that may not qualify as a domestic abuse including, but not limited to, burglary, felony assault, terroristic threats, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct or assault.

320.9.2 REPORTS AND RECORDS

(a) Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):

1. Names, addresses, telephone numbers of all involved persons
2. Condition of clothing
3. Description of the scene, including any property damage
4. Evidence of physical injury, including strangulation
5. Presence of elderly victims or persons with disabilities
6. Facts related to any person who may have been a primary aggressor
7. Excited utterances of the victim and the suspect
8. Demeanor of the victim and the suspect
9. Medical records, including the victim’s statements to paramedics, nurses and doctors

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10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
11. A detailed explanation of the reasons for the officer's decision not to arrest or seek an arrest warrant
12. Evidence of any prior domestic abuse, related convictions, including dates
13. Any existing orders for protection, harassment restraining order or no contact orders
14. Identifying information of a specific court order violated, including county of origin, the file number and the provision allegedly violated

(b) Domestic abuse reports should be forwarded to the appropriate prosecutor for review and consideration of criminal charges, even when no arrest is made or warrant requested.

(c) If a child was present at the scene of a domestic abuse incident or was the victim of domestic abuse, the officer should determine whether the child has been subjected to physical abuse, sexual abuse or neglect, and comply with the mandatory reporting requirements of Minn. Stat. § 626.556.

1. The officer shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201 and take appropriate action.

(d) Fees will not be charged for the release of reports related to domestic abuse, as directed in Minn. Stat. § 13.82.

320.9.3 SERVICE OF COURT ORDERS

Officers, when reasonably safe and in a position to do so, shall serve copies or short forms of court orders as directed in Minn. Stat. § 518B.01.

320.9.4 JUVENILE ARRESTED FOR DOMESTIC VIOLENCE

Under court rules of procedure, juveniles are not eligible for release on bail before a preliminary hearing. Therefore, any juvenile that is arrested for domestic assault should be sent to the Hennepin County Juvenile Detention facility. All appropriate forms should be forwarded to JDC.

If the juvenile detention center will not accept the juvenile, and the juvenile can't stay at the residence due to safety concerns from either the juvenile or their family, place the juvenile in an appropriate facility ex. the bridge.

Questions relating to the handling of juveniles in domestic assault situations should be referred to the juvenile division of the Hennepin County Attorney's office.

320.9.5 COURT-ORDERED FIREARM SURRENDERS

Although not required, this department generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

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Firearms will normally be surrendered at the Hopkins Police Department; however, when encountering someone in the field who wishes to surrender a firearm, officers should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Evidence Room in accordance with the Property and Evidence Policy.

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Search and Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Hopkins Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Hopkins Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances reasonably permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated. If the officers believe an attempt to obtain keys prior to the search would jeopardize the search or officer safety, officers may proceed without a key.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

    1. Another officer or a supervisor should witness the search.

    2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document incidents involving search and seizure in accordance with Hopkins Police Department reporting policies and procedures.

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Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Hopkins Police Department.

324.2 DEFINITIONS

Child or Juvenile - An individual under 18 years of age, and includes any minor alleged to have been delinquent or a juvenile traffic offender prior to becoming 18 (Minn. Stat. § 260B.007 Subd. 3). A child under 14 years of age is not capable of committing a crime (Minn. Stat. § 609.055 Subd. 1).

Custodian or Guardian - A person who is under a legal obligation or who is, in fact, providing care and support for a minor (Minn. Stat. § 260B.007 Subd. 13).

Delinquent Child or Juvenile - A child (Minn. Stat. § 260B.007 Subd. 6):

(a) Who has violated any state or local law, except for violation of certain traffic offenses under Minn. Stat. § 260B.225 Subd. 1, petty offenses under Minn. Stat. § 260B.007 Subd. 16, and minor marijuana offenses under Minn. Stat. § 260B.007 Subd. 18.

(b) Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court.

(c) Who has escaped from confinement from a local juvenile or state juvenile correctional facility after being committed.

Legal Custody - The right to the care, custody and control of a child who has been taken from a parent by a court, or in accordance with law (Minn. Stat. § 260B.007 Subd. 8).

Parent - A birth or adoptive parent (Minn. Stat. § 260B.007 Subd. 10).

Relative - A stepparent, grandparent, brother, sister, uncle or aunt by blood or marriage (Minn. Stat. § 260B.007 Subd. 12).

Secure Detention Facility - A physically restricting facility, including, but not limited to, jails, hospitals, state institutions, residential treatment centers or a detention home (Minn. Stat. § 260B.007 Subd. 14).

324.3 AUTHORITY TO DETAIN

(a) When an officer has probable cause that a child (Minn. Stat. § 260B.143 Subd. 1):

1. Is a juvenile petty offender.
2. Has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult.

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The officer may issue a notice/citation to the child to appear in juvenile court in the county in which the child is alleged to have committed the offense.

(b) An officer may take into immediate protective custody any juvenile (Minn. Stat. § 260C.175 Subd. 1):

1. When the child appears to be or is a runaway, but only for the purpose of transporting the child home, to the home of a relative or to another safe place.
2. When the child is found in surroundings or conditions that endanger the child's health or welfare or which an officer reasonably believes will endanger the child's health or welfare.
3. Who is a habitual truant under Minn. Stat. § 260C.143.
4. With a court order or warrant.
5. When it is reasonably believed that the juvenile has violated terms of probation, parole or other field supervision.

Whenever an officer takes a child into custody for the above section, the officer shall notify the parent, guardian or custodian as soon as possible. Unless there is reason to believe that the child would endanger him/herself or others or not return for a court hearing, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian or other suitable relative (Minn. Stat. § 260C.176 Subd. 1).

If the child is not released, the court shall be notified as soon as possible and be provided the reasons for detention (Minn. Stat. § 260C.176 Subd. 2).

(c) An officer may take into immediate custody any delinquent juvenile (Minn. Stat. § 260B.175 Subd. 1):

1. In accordance with the laws relating to arrests.
2. With an order of the court or a warrant.
3. When it is reasonably believed that the juvenile has violated terms of probation, parole or other field supervision.

Whenever an officer takes a child into custody for the above section or Minn. Stat. § 260B.154, the officer shall notify the parent or custodian that under Minn. Stat. § 260B.181 Subd. 2, the parent or guardian may request that the child be placed with a relative or a designated caregiver instead of a shelter care facility (Minn. Stat. § 260B.175 Subd. 3).

(d) An officer shall take a juvenile into custody when there is probable cause to believe that the juvenile is committing or has committed an unlawful act that involves;

1. The possession, use or threatened use of a firearm or dangerous weapon.
2. A crime of violence resulting in injury or domestic violence.

(e) Taking a child into custody under the provisions of these sections shall not be considered an arrest (Minn. Stat. § 260B.175 Subd. 2).

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324.3.1 AUTHORITY TO SEARCH

An officer who takes a child of any age or gender into custody, or could take into custody under Minn. Stat. § 260B.175, is authorized to perform a protective pat-down search of the child in order to protect the officer's safety (Minn. Stat. § 260B.175 Subd. 4).

324.4 TEMPORARY CUSTODY

No juvenile may be held in temporary custody at the Hopkins Police Department without authorization of the arresting officer's supervisor or the Sergeant / OIC. An individual taken into custody shall be processed and final disposition completed without undue delay (Minn. Stat. § 260B.178 Subd. 1). When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the investigator assigned to the case:

(a) Once the detained juvenile has been placed in secure or nonsecure custody, complete the Jail Log located in the booking area.

(b) Notify the juvenile's parent, guardian, custodian or a responsible relative as soon as possible that such juvenile is in custody, and provide the location where the juvenile is being held and the intended disposition if the child was taken into custody under Minn. Stat. § 260B.175 (Minn. Stat. § 260B.176 Subd. 1).

(c) Submit a completed report to the Sergeant / OIC for approval.

(d) Non-criminal offenders and abused or neglected children may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station. They should be held in either an unlocked interview room or the lunch room depending upon circumstances and monitored by a staff member.

324.4.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

(a) Reasonable access to toilets and washing facilities.

(b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, jailer or as directed by a supervisor.

(c) Access to drinking water.

(d) Privacy during visits with family, guardian or lawyer.

(e) After being taken to a place of temporary confinement, and except where physically impossible, the detaining officer shall advise and provide the juvenile an opportunity to make telephone call(s). The telephone calls must be made to a parent, guardian, responsible relative, employer or lawyer.

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324.4.2 NONCONTACT REQUIREMENTS

There shall be no contact between juveniles held in temporary custody (either nonsecure or secure detention) and adult prisoners.

Contact between juveniles in temporary custody, both secure and nonsecure, and adult prisoners shall be restricted as follows:

(a) There will be no communication between the juvenile and adult prisoners allowed.

(b) If an adult prisoner is present in the same room or area with a juvenile, an Hopkins Police Department employee shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner.

(c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:

1. Booking
2. Medical screening
3. Movement of persons in custody within the Hopkins Police Department.

324.5 TYPES OF CUSTODY

The following provisions apply to types of custody and detentions of juveniles brought to the Hopkins Police Department.

324.5.1 NON-SECURE CUSTODY

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14 years who is taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility. However, the custody must be non-secure.

Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring the juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

324.5.2 SECURE CUSTODY

A juvenile may be held in secure detention in the jail if the juvenile is 14 years of age or older and, if in the reasonable belief of the officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14 years of age or who does not, in the reasonable belief of the officer, present a serious security risk of harm to self or others, shall not be placed in secure detention but may be kept in nonsecure custody in the facility, as long as all other conditions of nonsecure custody are met.

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(a) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:

1. Age, maturity and delinquent history of the juvenile.
2. Severity of the offense(s) for which the juvenile was taken into custody.
3. Juvenile's behavior, including the degree to which the juvenile appears to be cooperative or uncooperative.
4. The availability of staff to provide adequate supervision or protection of the juvenile.
5. The age, type and number of other individuals who are detained in the facility.

(b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:

1. Juvenile is 14 years of age or older.
2. Juvenile is taken into custody on the basis of having committed a criminal law violation.
3. Detention at this facility does not exceed **six hours** from the time of arrival at the police station, when both secure and nonsecure time is combined.
4. Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents or arrange transfer to a Juvenile Detention Facility.
5. The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others. Factors to consider include:
   (a) Age, maturity and delinquent history of juvenile.
   (b) Severity of the offense for which the juvenile was taken into custody.
   (c) Juvenile's behavior.
   (d) Availability of staff to provide adequate supervision or protection of the juvenile.
   (e) Age, type and number of other individuals detained at the facility.

324.5.3 SECURE DETENTION OF JUVENILES

While in secure detention, juveniles may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and to protect the juvenile and others from harm.

(a) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:

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1. An employee of the Department must be present at all times to ensure the juvenile's safety while secured to a stationary object.
2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.
3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant / OIC or the designated supervisor, and the reason for continued secure detention shall be documented.

(b) In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:

1. Constant auditory access to staff by the juvenile.
2. Unscheduled personal visual supervision of the juvenile by department staff, no less than every 30 minutes. These jail checks shall be documented.

(c) Males and females shall not be placed in the same locked room unless under direct visual supervision.

324.5.4 JUVENILE DETENTION ROOMS

The Hopkins Police Department has cells inside the jail facility which may be used for the detention of juveniles. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Officers or investigators placing juveniles in the juvenile cell shall comply with the following:

(a) It is the officer's responsibility to notify the Sergeant / OIC that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of **six hours** .

(b) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Sergeant / OIC shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.

(c) A written record will be maintained on a detention log located in the booking area. This log will include the time the detention began and the time it ended. There will also be a place for the Officer to initial the log approving the detention to occur and to initial the log when the juvenile is released. This log can also be in digital format on the Department's network.

(d) It is the responsibility of the arresting officer to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian or the appropriate juvenile custody facility. The Sergeant / OIC or designee shall be responsible for monitoring the detention of the juvenile and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of this department. The Sergeant / OIC

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shall be notified in all cases when a juvenile is detained at this department and shall be advised of the officer taking responsibility for the detention and processing of the juvenile.

(e) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the report.

324.5.5 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property and person. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag/bin.

The property shall be inventoried in the juvenile's presence and placed into the bag/bin. The property will be maintained in the booking area of the jail until the juvenile is released from the custody of the Hopkins Police Department.

When released, the juvenile will sign the inventory sheet aknowledging return of property.

324.5.6 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once every 30 minutes on an unscheduled basis until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection may be conducted by any police department employee. The visual inspection shall be logged on the Jail Log in the Booking Area.

More frequent visual inspections should be made as circumstances dictate, as in the case of an injured or ill juvenile being detained or if specific circumstances exist, such as a disciplinary problem or suicide risk. In such instances the Sergeant / OIC shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile.

324.5.7 REQUIRED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

(a) Reasonable access to toilets and washing facilities.

(b) Food in compliance with Policy 900 Temporary Holding Facility

(c) Reasonable access to drinking water.

(d) Privacy during family, guardian or lawyer visits.

(e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody).

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324.5.8 FORMAL BOOKING

Any juvenile, 14 years of age or older, who is taken into custody for a firearms or dangerous weapon violation, felony, domestic violence, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted and photographed.

No other juvenile shall be formally booked without the authorization of the Sergeant / OIC.

For all other acts defined as crimes, juveniles may be booked and fingerprinted or photographed, giving due consideration to the following:

(a) The gravity of the offense.

(b) The past record of the offender.

(c) The age of the offender.

324.5.9 DISPOSITIONS

(a) Juveniles taken into custody under Minn. Stat. § 260B.175 or protective custody under Minn. Stat. § 260C.175 shall be released to their parent, legal guardian or custodian unless the child would endanger self or others, not return for court, run away from those to whom the juvenile is released, or if the child's health or welfare would be immediately endangered (Minn. Stat. § 260B.176 Subd. 1, Minn. Stat. § 260C.176 Subd. 1). .

    1. If the juvenile is not released under the sections above, the court shall be notified as soon as possible of the detention and the reasons for the detention (Minn. Stat. § 260B.176 Subd. 2 (a), Minn. Stat. § 260C.176 Subd. 2 (a)).

    2. No delinquent juvenile may be detained no longer than **six hours.**

(b) Any juvenile not transferred to a juvenile detention facility or released as above, shall be released to one of the following:

    1. Parent or legal guardian.

    2. An adult member of his/her immediate family.

    3. A responsible adult person specified by the parent/guardian.

    4. Any responsible adult person willing to sign a written agreement and accept responsibility when the juvenile's parents are unavailable, as approved by the Sergeant / OIC.

(c) If it is determined that the juvenile taken into custody or protective custody is going to be placed into a secure detention facility or a shelter care facility, the arresting officer shall advise the child as soon as possible and the child's parent, guardian or custodian (Minn. Stat. § 260B.176 Subd. 3, Minn. Stat. § 260C.176 Subd. 3):

    1. Of the reasons for custody and the reasons for placement.

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2. Of the location of the facility, unless there is reason to believe that disclosure would place the child's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176 Subd. 5).
3. That the child's parent, guardian or custodian and attorney or guardian *ad litem* may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.
4. That the child may telephone parents and an attorney or guardian *ad litem* immediately after being admitted to the facility and thereafter on a reasonable basis.
5. That the child may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 longer than 36 hours, excluding weekends and holidays, unless a petition has been filed pursuant to Minn. Stat. § 260B.178
6. That the child may not be detained for acts under Minn. Stat. § 260C.007 Subd. 1, clause (1) or (2), item (ii) longer than 72 hours, excluding weekends and holidays, unless a petition has been filed pursuant to Minn. Stat. § 260C.178.
7. That the child may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 longer than **six hours** if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the child for adult prosecution.
8. Of the date, time and place of the detention hearing, if this information is available.
9. That the child and the child's parent, guardian or custodians have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, it will be appointed at public expense.

(d) If the juvenile is going to be transported to the designated juvenile detention facility, it must be done promptly (Minn. Stat. § 260B.176 Subd. 4, Minn. Stat. § 260C.176 Subd. 4,). The following forms shall accompany the juvenile:

1. The juvenile authority to detain and victim notification if applicable.

(e) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:

1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken. The juvenile will then be released to a responsible person as described above.
2. If the arresting officer or the Sergeant / OIC believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that followup action will be taken. The officer / detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.

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324.6 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low-profile law enforcement presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officers should:

1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian or responsible adult. Efforts to make contact with parents and/or reasons contact was not attempted should be documented.

2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.

3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.

   (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult who, in the opinion of the officer, appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.

   (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.

   (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

324.7 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal

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authority to do so. Additionally, juvenile records shall be kept separate from records of those over 18 years of age (Minn. Stat. § 260B.171 Subd. 5).

324.7.1 RELEASE OF INFORMATION TO OTHER AGENCIES
Minnesota law authorizes the release of certain information to other agencies. It shall be the responsibility of the Support Services Manager to ensure proper dissemination of information (Minn. Stat. § 260B.171 Subd. 5 (b) and (8)).

324.7.2 SCHOOL NOTIFICATION
Minnesota law requires the Chief of Police or designee notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within our jurisdiction if (Minn. Stat. § 260B.171 Subd. 5 (e)):

(a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, that the victim is a student or staff member, and the notice is reasonably necessary for the protection of the victim.

(b) For certain serious crimes regardless of whether the victim is a student or staff member.

However, the Department is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.

324.8 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.8.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile who is either in secure or nonsecure custody, the paramedics will be called. The Sergeant / OIC shall be notified of the need for medical attention for the juvenile.

The arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as reasonably possible:

(a) Sergeant/OIC who will make appropriate notifications of staff members.

(b) The parent, guardian or person standing *in loco parentis* of the juvenile.

324.8.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in custody in either secure or nonsecure detention.

The detaining or transporting officer is responsible to notify the Sergeant / OIC if he/she believes the juvenile may be a suicide risk. The Sergeant / OIC will ensure the juvenile is transported to

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the juvenile detention facility or medical facility, or released to parent / guardian depending on the circumstances.

324.8.3 DISCIPLINE OF JUVENILES
Police personnel are prohibited from administering discipline to any juvenile.

324.8.4 DEATH OF A JUVENILE WHILE DETAINED
The County Attorney's Office and the Sheriff and/or Medical Examiner will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Captain or designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Hopkins Police Department, the following shall apply:

(a) The cell where the juvenile was held should be sealed and treated as a crime scene being processed by Hennepin Crime Lab and Hennepin County Medical Examiner. The Chief of Police may designate an outside agency to perform an investigation into the death.

(b) The Chief of Police or designee shall provide and prepare all reports required by the state.

(c) Upon receipt of a report of death of a juvenile from the Chief of Police or designee, the State may inspect and evaluate the juvenile facility, jail, lockup or court holding facility.

(d) An operational review of every in-custody death of a juvenile shall be conducted.

324.8.5 CURFEW VIOLATIONS
Juveniles detained for curfew violations may be released in the field or brought to the station to facilitate their release to their parent, legal guardian or responsible adult.

If no parent or responsible adult is available, the juvenile shall be placed in an appropriate facility such as the Juvenile Supervision Center or the Bridge.

324.8.6 TRUANCY
Juveniles detained for truancy violations may be released to the Juvenile Supervision Center, released in the field or brought to the station for the purpose of facilitating their release to their parent, legal guardian or responsible adult (Minn. Stat. § 260A.04 Subd. 3).

324.8.7 PHOTOGRAPHS OF JUVENILES
Photographs of a juvenile taken into custody may not be taken absent consent of the juvenile court. A photograph may be taken of a child taken into custody pursuant to section 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. Photographs of juveniles authorized by this paragraph may be used only to assist law enforcement agencies to apprehend juvenile offenders.

324.9 INTOXICATED AND SUBSTANCE ABUSING MINORS
Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications

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of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

Juveniles will not typically be held at the Hopkins Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation by paramedics:

- Known history of ingestion or sequestration of drugs in a body cavity.
- Minor is known or suspected to have ingested any substance that could result in a medical emergency.
- A juvenile who is intoxicated or under the influence of drugs to the level of being unable to care for him/herself.
- An intoxicated or under-the-influence juvenile whose symptoms are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

(a) A juvenile detained and brought to the Hopkins Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:

1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and to ensure that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.

(b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Hopkins Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting in-person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.

1. The 15-minute checks of the juvenile shall be documented on the Jail Log.

(c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.

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(d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

(e) A medical clearance is required before the juvenile is transported to a juvenile detention facility if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or nonsecure detentions.

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Abuse of Vulnerable Adults

326.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure members of this department comply with laws designed to prevent and detect harm to adults who may need heightened protection due to their age or physical or mental infirmities (Minn. Stat. § 626.557).

326.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 626.5572):

Abuse - Includes, but is not limited to, any act against a vulnerable person, including assault, the use of drugs to injure or facilitate crime, prostitution, criminal sexual conduct, conduct that produces or reasonably could produce physical pain, injury or emotional distress, and forcing or compelling a vulnerable adult to perform any services against his/her will for the advantage of another. Abuse need not constitute a crime. Serious and egregious conduct including verbal abuse that could reasonably be expected to cause emotional distress can be considered abuse.

Care or services - Care or services provided for the health, safety, welfare or maintenance of a vulnerable adult.

Caregiver - An individual or facility responsible for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract or by agreement.

Financial exploitation - May include, but is not limited to, misuse of funds, breach of a fiduciary duty or withholding a vulnerable adult's funds or property. The acts or omissions need not constitute a crime to qualify as financial exploitation.

Neglect - The failure or omission by a caregiver, that is not the result of an accident or therapeutic conduct, to supply a vulnerable adult with care or services including, but not limited to, food, clothing, shelter, health care or supervision that is necessary to obtain or maintain the vulnerable adult's health, safety or comfort, considering the physical and mental capacity or dysfunction of the vulnerable adult.

Vulnerable adult - A person 18 years of age or older who:

(a) Is a resident or patient of a facility.

(b) Receives services at or from a specific and licensed facility that is required to be licensed to serve adults under Sections 245A.01 to 245A.15.

(c) Receives services from a licensed home care provider or a particular medical assistance program.

(d) Who possesses a physical or mental infirmity or other physical, mental or emotional dysfunction:

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1. That impairs the individual's ability to provide adequately for his/her own care without assistance, including the provision of food, shelter, clothing, health care or supervision.
2. Because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect him/herself from abuse, neglect or financial exploitation.

326.2 POLICY

The Hopkins Police Department will meet Minnesota mandates related to adults who may need heightened protection due to their age or infirmities. Members of the Hopkins Police Department will treat these persons with a high level of compassion and care.

326.3 MANDATORY REPORTING REQUIREMENTS

Officers are mandated reporters (Minn. Stat. §626.5572 Subd. 16). If, during the course of an investigation, an officer has reason to believe that a vulnerable adult is being or has been abused, neglected or financially exploited, or who has knowledge that a vulnerable adult has sustained a physical injury that is not reasonably explained, the officer shall take a report, investigate The report shall be forwarded to the appropriate county agency for information or to assist as needed.

Failure to report or document an incident, which includes providing false, deceptive, misleading or omitted information by any employee, may be a crime (Minn. Stat. § 609.234 Subd. 1).

326.3.1 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for providing a copy of the vulnerable adult abuse report to the following agencies for investigation (Minn. Stat. § 626.5572 Subd. 4; Minn. Stat. § 626.557 Subd. 13):

(a) The Department of Health if the report involved a facility required to be licensed as a hospital, home care provider, nursing home, residential care home, boarding care home or residential facility that is federally certified as an intermediate care facility for people with developmental disabilities, or any other facility that is required to be licensed by the Department of Health for the care of vulnerable adults.

(b) The Department of Human Services if the report involves a facility or service provider required to be licensed as adult day care, adult foster care, a program for people with developmental disabilities, a mental health program or chemical health program.

(c) The county social service agency for all other reports.

326.4 OFFICER'S RESPONSE

All incidents involving actual or suspected vulnerable adult abuse shall be responded to, fully investigated and appropriately documented (Minn. Stat. § 626.557 Subd. 9b).

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326.4.1 INITIAL RESPONSE

Officers may be called upon to make a forced entry as the first responder to the scene of a suspected vulnerable adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if they are not already present.

326.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation to ensure the immediate safety of all persons. Officers shall also consider the following:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of a vulnerable adult.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse that may be eliminated by law enforcement intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the vulnerable adult without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

326.4.3 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol supervisor
- Investigative personnel
- Hennepin Crime Lab

326.4.4 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS

In any situation where an officer reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may contact Adult Protective Services and request that they obtain a protective order against the person alleged to have committed or threatened such abuse if that person is not in custody (Minn. Stat. § 524.5-401). If an offense is taken where it is clear there has been family violence against an elder or dependent adult, upon arrest of the

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suspect, the officer should request that a social services agency seek an Emergency Protective Order.

326.4.5 INVESTIGATION OF VULNERABLE ADULT ABUSE

The Department shall, as soon as reasonably practicable, investigate any incident in which there is reason to believe a crime against a vulnerable adult has been committed. The investigating officer will cooperate with county agencies involved in the investigation, including the exchange of records and information (Minn. Stat. § 626.557 Subd. 9b).

Officers assigned to vulnerable adult investigations will participate in training as specified by state law (Minn. Stat. § 626.557 Subd. 9e).

326.5 VULNERABLE ADULT ABUSE REPORTING

Every allegation of vulnerable adult abuse shall be documented. When documenting vulnerable adult abuse cases, officers should include, at minimum (Minn. Stat. § 626.557 Subd. 9):

(a) Time and date of the report.

(b) Time, date and location of the incident.

(c) Name, address and telephone number of the person reporting.

(d) The basis of the reporter's belief that the vulnerable adult has been abused, neglected, exploited or isolated.

(e) The name and address of the person responsible for care, if there is one.

(f) Names, addresses and telephone numbers of persons involved, including, but not limited to, perpetrators, alleged victims and witnesses.

(g) Whether there was a risk of imminent danger to the alleged victim.

(h) The nature and extent of the abuse, neglect, exploitation or isolation of the vulnerable adult.

(i) Any evidence of previous injuries.

(j) Disability, if any, of the alleged victim.

(k) Relationship of the alleged perpetrator to the alleged victim.

(l) Whether a facility was involved and, if so, which agency licensed the facility.

(m) Whether the reporter wishes to receive notification of the initial and final reports.

The identity of persons reporting cases of vulnerable adult abuse is confidential and will only be released per the Records release and Security Policy (Minn. Stat. § 626.557 Subd. 5).

If requested by the person reporting vulnerable adult abuse, the Department shall notify him/her that the report was received and provide information on the initial disposition of the report within five business days of receipt, provided that the notification will not endanger the vulnerable adult or hamper the investigation (Minn. Stat. § 626.557 Subd. 9c).

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Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

328.2 POLICY

The Hopkins Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate, discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

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328.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) or the Minnesota Department of Human Rights.

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

328.3.4 STATE DISCRIMINATION LAW

Unlawful employment practices include discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, disability, a person's status with regard to public assistance or age; interfering with an aid or appliance that is used for a disability; and refusing to permit service animals at the place of employment (Minn. Stat. § 363A.02; Minn. Stat. § 363A.19; Minn. Stat. § 256C.01; Minn. Stat. § 256C.02).

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and

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make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Assistant City Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment and retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure that their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police or Assistant City Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating

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or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency, dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Assistant City Manager or the City Manager.

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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328.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager or Assistant City Manager if more appropriate.
- Maintained for the period established in the department's retention schedule.

328.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Assistant City Manager or the City Manager, or they may contact the Minnesota Department of Human Rights.

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Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Hopkins Police Department members are required to notify the county social services agency of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (Minn. Stat. § 626.556; Minn. Stat. § 626.5561).

330.2 POLICY

The Hopkins Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

330.3 MANDATORY NOTIFICATION

Members of the Hopkins Police Department shall notify the county social services agency when they have reason to believe any of the following may have occurred or when someone reports any of the following (Minn. Stat. § 626.556):

(a) A child is being neglected or has been neglected within the preceding three years.

(b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child's care.

(c) A child is being sexually abused, threatened with sexual abuse or has been sexually abused within the preceding three years by a person responsible for the child's care, by a person who has a significant relationship to the child or by a person in a position of authority.

(d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 626.5561).

Notification is mandatory for any acts of neglect, physical abuse and sexual abuse that constitute a crime, whether or not the suspect had any relationship to or responsibility for the child (Minn. Stat. § 626.556, Subd. 10a).

For purposes of notification, physical abuse includes injuries, mental injuries or injuries that cannot be reasonably explained (e.g., punching, kicking, burning). Sexual abuse includes criminal sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary

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clothing, shelter, medical care, etc. See Minn. Stat. § 626.556, Subd. 2 for full definitions of physical abuse, sexual abuse and neglect.

330.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Minn. Stat. § 626.556):

(a) The member tasked with the investigation shall call the county social services agency and report the alleged abuse as soon as possible.

(b) Notification, when possible, should include:

1. The child's current location and whether the child is in immediate danger.
2. A description of when and where the incident occurred and what happened to the child.
3. A description of the injuries or present condition of the child.
4. The names and addresses of the child, parents or caregivers.
5. Whether there were any witnesses to the incident and their names.
6. Any additional information about the child, family or caregivers that may be helpful.
7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
8. Whether there are immediate family, relative or community resources that would offer protection or support to the child.

(c) Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 24 hours.

(d) Approved investigation reports should be forwarded to the county social services agency as soon as practical.

(e) When the child abuse occurred at a facility or by a person from a facility that requires a state license (e.g., foster homes, group homes, day care), notification shall also be made to the agency responsible for licensing the facility (Minn. Stat. § 626.556).

330.4 INVESTIGATORS

Investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities / Cornerhouse.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

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(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county social services agency. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the county social services agency.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Minn. Stat. § 260C.175):

(a) When a court has issued an order for removal.

(b) When a child is found in surroundings or conditions that pose an imminent threat to the child's health or welfare or that a peace officer reasonably believes pose an imminent threat to the child's health or welfare.

(c) If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, taking the child into custody under this clause shall be consistent with the Indian Child Welfare Act (25 USC § 1922).

330.6.1 NOTICE TO PARENT OR CUSTODIAN

Whenever an officer takes a child into protective custody, the officer shall notify the parent or custodian that he/she may request that the child be placed with a relative or a designated caregiver instead of in a shelter care facility. The officer also shall give the parent or custodian a list, published by the Minnesota Department of Human Services, of names, addresses and telephone numbers of social services agencies that offer child welfare services. If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the officer has reason to believe the parent or custodian is not able to read and understand English, the officer must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

The above notifications may be made by the county social services agency representative if he/she is at the scene.

330.6.2 SAFE PLACE FOR NEWBORNS

A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility or ambulance service without being subject to prosecution (Minn. Stat. § 609.3785). The responsible social service agency is charged with addressing these matters but may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

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330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING ABUSE VICTIMS FOR INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

330.7.3 NOTIFICATION TO PARENTS

Generally, officers should cooperate with parents and guardians and seek consent prior to conducting interviews of children. However, when reasonably necessary, state law grants officers the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 626.556, Subd. 10).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. The interview may take place outside the presence of the alleged offender or parent, legal custodian, guardian or school official (Minn. Stat. § 626.556, Subd. 10).

The officer shall notify the parent, legal custodian or guardian that the interview occurred as soon as reasonably practicable after the interview, unless the juvenile court has determined that reasonable cause exists to withhold the information (Minn. Stat. § 626.556, Subd. 10).

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330.7.4 INTERVIEWS AT SCHOOL

If officers assigned to investigate a report of maltreatment determine that an interview should take place on school property, written notification of the intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview and a reference to the statutory authority to conduct an interview on school property (Minn. Stat. § 626.556, Subd. 10).

The investigating officer shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place and manner of the interview (Minn. Stat. § 626.556, Subd. 10).

330.7.5 DOCUMENTING AND RECORDING INTERVIEWS

Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 626.561):

(a) The date, time, place and duration of the interview.

(b) The identity of the persons present at the interview.

(c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney's office regarding recording interviews of a child abuse victim.

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the county social services agency, other law enforcement agencies, medical service providers and local prosecutors to

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develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigation Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Contact Child Protection to see if placement is appropriate.

(c) Notify the Investigation Division supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (Minn. Stat. § 626.556, Subd. 11).

330.10.2 CHILD MORTALITY REVIEW PANELS

Child mortality review panels are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (Minn. Stat. § 256.01, Subd. 12).

330.10.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating officer shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating officer shall prepare a report separate from the social services agency (Minn. Stat. § 626.556, Subd. 10).

330.10.4 NOTIFICATION PROCESS

The Patrol Supervisor is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 626.556).

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Missing Person Reporting

332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons in compliance with the Minnesota Missing Persons' Act, (Minn. Stat. § 299C.51 to Minn. Stat. § 299C.565, the Minnesota Law-Enforcement Model Policy and Procedures for Reports of Missing Persons (Minn. Stat. § 626.8454) and federal law (42 USC 5779 (a)).

The Department shall comply with requirements specified in federal law for reporting and investigating missing persons (Minn. Stat. § 299C.53 Subd. 4).

332.1.1 DEFINITIONS

For purposes of this section, the following definitions are provided (Minn. Stat. 299C.52 Subd. 1):

Child - Any person under the age of 18 years or any person certified or known to be mentally incompetent.

CJIS - The Criminal Justice Information System.

DNA - Deoxyribonucleic acid from a human biological specimen.

Endangered - There is sufficient evidence that the missing person is at risk of physical injury or death. Examples include:

(a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.

(b) The person is missing under known dangerous circumstances.

(c) The person is missing more than 30 days.

(d) The person is under the age of 21 and at least one other factor is applicable.

(e) There is evidence the person is in need of medical attention or prescription medication.

(f) The person does not have a pattern of running away or disappearing.

(g) The person is mentally impaired.

(h) There is evidence that a non-custodial parent may have abducted the person.

(i) The person has been the subject of past threats or acts of violence.

(j) There is evidence that the person is lost in the wilderness, backcountry or outdoors where survival is precarious and search and rescue efforts are critical.

(k) Any other factor the Department deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

(l) There is sufficient evidence that a child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.

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Missing - The status of a person following a report that he/she is missing and a preliminary investigation by a law enforcement agency determines the person cannot be located.

NCIC - The National Crime Information Center.

Sufficient Evidence - Facts and circumstance that would induce a reasonably prudent peace officer to believe that a crime has been or is about to be committed.

332.2 REPORT ACCEPTANCE

The Hopkins Police Department shall accept missing person reports in person and should accept reports by telephone or other electronic means to the extent reasonable and practicable. Missing person reports shall be accepted without delay and a report shall not be refused based upon the following (Minn. Stat. § 299C.53 Subd. 1):

(a) The missing person is an adult.

(b) The circumstances do not indicate foul play.

(c) The person has been missing for a short period of time.

(d) The person has been missing for a long period of time.

(e) There is no indication that the missing person was in the jurisdiction served by this department at the time of the disappearance.

(f) The circumstances suggest that the disappearance may be voluntary.

(g) The reporting person does not have personal knowledge of the facts.

(h) The reporting person cannot provide all of the information requested by this department.

(i) The reporting person lacks a familial or other relationship with the missing person.

(j) For any other reason, except in cases where this department has direct knowledge that the person is, in fact, not missing and the whereabouts and welfare of the person are known at the time the report is filed.

State statute requires the local law enforcement agency having jurisdiction over the location where a person has been missing or was last seen has the responsibility to take a missing person report from an interested party. If this location cannot be clearly and easily established, the local law enforcement agency having jurisdiction over the last verified location where the missing person last resided has the responsibility to take the report. In the event any circumstances delay a determination of which law enforcement agency has the responsibility to take a missing person report from an interested party, the Bureau of Criminal Apprehension shall offer prompt guidance to the agencies involved (Minn. Stat. § 299C.565).

Regardless of the statutory determinations of Minn. Stat. § 299C.565, in any instance where there is a disagreement over reporting responsibility that is not immediately resolved, it is the policy of this department to promptly commence taking and investigating a missing person report while concurrently pursuing guidance from the Bureau of Criminal Apprehension. Any

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investigation completed and information obtained in a case that is ultimately the responsibility of another jurisdiction shall be recorded in an incident report, including information regarding the determination of jurisdiction, and forwarded to the appropriate agency.

332.3 INITIAL RESPONSE AND INVESTIGATION

Patrol personnel should be assigned to handle the initial missing person report and to conduct a preliminary investigation involving additional resources as necessary (Minn. Stat. § 299C.53 Subd. 1 (b)).

The handling officer shall immediately contact such persons and, using interpretive services as reasonably necessary, make inquiries concerning the missing person and make an assessment of reasonable steps to be taken to locate the person. Initial investigation should include:

(a) Interview the persons who made the initial report, and if the person is a child, the child's parent(s) or guardian(s).

(b) Determine when, where and by whom the missing person was last seen.

(c) Interview the individual(s) who last had contact with the person.

(d) Obtain a detailed description of the missing person, abductor, vehicles and other pertinent information.

These interviews should be recorded whenever possible.

332.4 INVESTIGATIVE PROCEDURES AND DILIGENCE

If an initial investigation reveals that a person reasonably appears to be missing, further actions may be necessary. Determine from the information available whether a physical search is appropriate. In circumstances that appear to be an endangered missing person or missing children, each of the following actions should be performed:

(a) If a search is warranted, conduct a search of the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.

(b) If a search is not warranted or does not recover the missing person, additional investigation may be warranted:

    1. A neighborhood/vehicle canvas.

    2. Identification of persons at the scene and conducting separate interviews.

    3. Documentation of actions, telephone communications and other activities.

    4. Assigning an investigator or officer whose duties will include coordination of the investigation.

    5. Involvement of media coverage.

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During missing person investigations, the handling employee shall attempt to obtain the most recent photograph available of the missing person. The photograph(s) will be forwarded to the Bureau of Criminal Apprehension. These photograph(s) may be used for public information bulletins without written authorization (Minn. Stat. § 299C.54 Subd. 2 and Minn. Stat. § 299C.535).

332.4.1 INVESTIGATIVE RESOURCES AND SUPPORT

Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Any support assistance should be properly briefed and updated on the investigation status.

The handling investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with any information that may aid in the location and return of the missing or endangered person (Minn. Stat. § 299C.53 Subd. 3). If necessary, use the International Justice and Public Safety Network (NLETS), the Minnesota Crime Alert Network and MNJIS KOPS Alert to alert state, regional and federal law enforcement agencies.

332.4.2 INVESTIGATION OF MISSING AND ENDANGERED PERSONS

If it is determined the person is missing and endangered, the handling officer shall immediately (Minn. Stat. § 299C.53 Subd. 1 (b)):

(a) Ensure that identifying and descriptive information about the person and involved suspects and vehicles is immediately entered into the NCIC system for persons under 21 years of age (42 USC. 5779 (a)).

(b) Ensure the information is broadcast regionally, statewide and nationally, or solicit the assistance of the Bureau of Criminal Apprehension to make the broadcasts.

(c) Consult with the Bureau of Criminal Apprehension and request assistance as necessary.

(d) Secure the crime scene and/or last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.

(e) Implement multi-jurisdictional coordination and mutual aid plans when necessary. Factors to consider include:

    1. Inadequate Department resources.
    2. The investigation crosses jurisdictional lines.
    3. Existence of pre-established task forces or investigative teams.

(f) Notify the Minnesota Missing/Unidentified Persons Clearinghouse services.

(g) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.

(h) Activate protocols for working with the media, including AMBER Alert and Minnesota Crime Alert Network.

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For cases involving missing children the investigator shall comply with federal laws regarding the reporting and investigation of missing children cases (Minn. Stat. § 299C.53 Subd. 4).

332.4.3 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a Command Post or Operation Base placed into operation a reasonable distance from the crime scene. potential staffing and assignments include: Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer and Support Unit Coordinator. Liaison officers (one at the command post and one at the crime scene) should be considered. The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and crime should consider various elements, including:

(a) Establishing the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for Department use and follow-up on all leads.

(b) Compilation of a list of known sex offenders in the region.

(c) In cases of infant abduction, investigate claims of home births made in the area.

(d) In cases involving children, obtain child protective agency records for reports of child abuse.

(e) Review of records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

(f) Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.

(g) Creating a Missing Persons' Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.

(h) Update the NCIC file as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).

(i) Interview of delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.

(j) For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.

(k) Determine if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:

    1. Investigative resources.

    2. Interpretive resources.

    3. Telephone services, such as traps, traces and triangulation.

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4. Media assistance from local and national sources

(l) Use of secure electronic communication information, such as the missing person's cellular telephone number, e-mail address(es) and social networking site information.

(m) Appointing an officer who shall be responsible to communicate with the family/reporting party or their designee, and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or designee.

(n) Providing general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the Department determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.

332.5 REPORT HANDLING

Missing person reports require special handling and timely notifications. At any time a missing report is made the officer shall complete a medical release form that will be provided to the reporting party. If the form is properly endorsed, the completed form shall be attached to the missing person report.

Information that is not immediately available, is obtained later or updated shall be documented in a supplemental report to the original, as required. Entry into MJIS and NCIC databases shall be conducted as soon as reasonably possible by the handling investigator.

332.5.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Hopkins Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Bureau shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 18 or there is evidence that the person may be at risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

332.5.2 TELETYPE NOTIFICATIONS

When a missing person is under the age of 21, Records Bureau personnel shall send a teletype to the US Department of Justice and the NCIC within two hours after accepting the report (42 USC. § 5779(a) and 42 USC. § 5780(3)). To assist the Department of Public Safety, the teletype must note if the case involves an endangered person.

332.6 MISSING MORE THAN 30 DAYS

In any case where a person remains missing more than 30 days from entry into NCIC, the Department will prepare for release when contacted by the BCA Missing and Unidentified Persons Clearinghouse the following information for entry into appropriate databases, unless previously released:

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(a) DNA samples from family members and, if possible, from the missing person.

(b) Dental information and X-rays.

(c) Additional photographs and video that may aid the investigation or identification.

(d) Fingerprints.

(e) Other specific identifying information.

If a person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and update the record in NCIC to reflect the status change as soon as reasonably possible (Minn. Stat. § 299C.535).

332.6.1 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the handling investigator must check with the appropriate medical examiner(s) and send to the U.S. Department of Justice a photograph and dental records, and verify and update the record with any additional information as warranted. If dental records are unobtainable, this should be noted. This must be completed no later than 60 days after the report was filed.

332.6.2 PROLONGED MISSING

If a person is still missing after a prolonged period, generally exceeding 45 days, review the case and consider whether the following recommended actions should be performed:

(a) Develop a profile of the possible abductor.

(b) Consider the use of a truth verification device for parents, spouse and other key individuals.

(c) Reread all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and reexamine all physical evidence collected.

(d) Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.

(e) Periodically check pertinent sources of information about the missing person for any activity, such as phone, bank, Internet or credit card activity.

(f) Develop a time line and other visual exhibits.

(g) Critique the results of the ongoing investigation with appropriate investigative resources.

(h) Arrange for periodic media coverage.

(i) Consider utilizing rewards and crime-stoppers programs.

(j) Update NCIC Missing Person File information, as necessary.

(k) Contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.

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(l) Maintain contact with the family and/or the reporting party or designee as appropriate.

332.6.3 SCHOOL NOTIFICATION
As necessary, the handling investigator will request that the school district in which a missing child is enrolled flag the pupil's records in such a manner that it is clear the record is that of a missing pupil. The school is responsible to flag the missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records (Minn. Stat. § 123B.08).

332.7 MISSING PERSONS LOCATED

When a missing person is located, the appropriate actions related to the type of recovery are required:

(a) When a missing person is located alive, the investigation may be concluded after completion of the following:

1. Verification that the located person is the reported missing person.
2. If appropriate, arrange for a comprehensive physical examination of the victim.
3. Conduct a careful interview of the person, document the results of the interview and involve all appropriate agencies.
4. Notify the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
5. Depending on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
6. Cancel alerts (Minnesota Crime Alert, AMBER Alert), remove case from NCIC (Minn. Stat. § 299C.53. Subd. 2) and other information systems and remove posters and other publications from circulation.
7. Perform constructive post-case critique. Reassess the procedures used and update the Department policy and procedures as appropriate.

(b) When a missing person is located deceased, additional investigation includes the following:

1. Secure the crime scene if this Department has jurisdiction.
2. Contact the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
3. Collect and preserve any evidence at the scene.
4. Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
5. Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.

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6. Perform constructive post-case critique. Reassess the procedures used and update the Department policy and procedures as appropriate.

332.7.1 RECOVERED MISSING DATA ENTRY

When a missing person who was reported by another jurisdiction is located, the Department shall notify the original law enforcement agency having jurisdiction over the investigation. That agency shall cancel the entry from the NCIC computer (Minn. Stat. § 299C.53 Subd. 2).

When this department discovers that a missing person being handled by this department has been found, the Records Bureau shall cancel the NCIC entry (Minn. Stat. § 299C.53 Subd. 3). If a missing person under the age of 21 is located, the detective must ensure that a teletype is sent within 24 hours to the U.S. Department of Justice noting that information.

332.7.2 DECEASED FOUND TO BE A MISSING PERSON

If a deceased person has been identified as a missing person, the Bureau of Criminal Apprehension or this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

332.8 MISSING PERSONS FROM SEX OFFENDER PROGRAM

The administrator of a Minnesota sex offender treatment program facility or his/her authorized designee is mandated by law to report patients who are absent without authorization. Officers receiving these reports are required to complete a missing person's report and ensure the information is entered into the missing persons' file of the National Crime Information Center (NCIC) database and other applicable missing persons' databases. Where there is probable cause of a violation of Minn. Stat. § 609.485 (escape from custody), the investigating officer shall also seek a felony arrest warrant and ensure the warrant is entered into the NCIC database (Minn. Stat. § 253B.185).

Upon notice of a patient missing from a sex offender program, the reporting officer should advise the Sergeant / OIC of the circumstances as soon as practicable.

After receiving either a missing person's report or a court-issued "apprehend and hold" order, officers shall detain a sex offender treatment patient who has been located, and return the patient to the custody of the program. A detained patient should not be held in a jail or lockup unless there is no other feasible place of detention for the patient, the detention is for less than 24 hours, and there are protections in place (including segregation) to ensure the safety of the patient. This is not applicable to a patient arrested for a criminal offense, such as a violation of Minn. Stat. § 609.485 (escape from custody) (Minn. Stat. § 253B.185).

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AMBER ALERT / MN CRIME ALERT NETWORK

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Hopkins Police Department should notify their supervisor, Sergeant / OIC or Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Captain and the Press Information Officer at the Captain's direction when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

334.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).

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334.4.1 CRITERIA

Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

Employees shall follow the requirements of the Bureau of Criminal Apprehension (BCA) and implement an AMBER Alert if both of the following criteria are met:

(a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.

(b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be activated if there is no information to distribute. In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case.

334.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the BAC to determine whether the abduction meets the AMBER Alert criteria. If the supervisor determines that the criteria are met, the supervisor shall contact the BCA Operations Center and provide the requested information using the following contact numbers:

- (651) 649-5451
- (800) 832-6446

In the event of a confirmed child abduction, whether or not an AMBER Alert is activated, procedures designed to alert the media should be followed.

(a) The Press Information Officer, Sergeant / OIC or Investigation Unit Supervisor will prepare an initial press release that includes all available information that might aid in locating the child, such as:

    1. The child's identity, age and description.
    2. Photograph if available.
    3. The suspect's identity, age and description, if known.
    4. Pertinent vehicle description.
    5. Detail regarding location of incident, direction of travel, potential destinations, if known.
    6. Whether there is reason to believe the suspect has a relationship to the victim.
    7. Name and phone number of the Press Information Officer or other authorized individual to handle media liaison.
    8. A telephone number for BCA to call for further information.

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9. A telephone number for the public to call with leads or information.

(b) The Press Information Officer, Sergeant / OIC or Investigation Unit Supervisor will notify the Communications Center at the BCA. After the information is checked, an AMBER Alert will be issued and the Minnesota Emergency Alert System (EAS) will be activated.

(c) Fax the press release to the local television and radio stations.

(d) The individual responsible for making notifications shall also consider the following resources, as the circumstances dictate:

1. Minnesota State Patrol (MSP)
2. FBI local office
3. Prompt entry of information into the U.S. Department of Justice National Crime Information Center Missing and Unidentified Person System (MUPS)
4. National Center for Missing and Exploited Children
5. Department Internet sites, communications and resources

(e) As additional information pertinent to the case becomes available, it shall be forwarded to BCA.

(f) The Investigation Unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and forward to the previously described locations, additional information regarding the search and investigation.

(g) Upon closure of the child abduction, the Investigation Unit Supervisor shall immediately notify BCA with the pertinent information.

334.5 MINNESOTA CRIME ALERT NETWORK

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case. Law enforcement agencies, businesses, schools and community members participate in the network.

334.5.1 CRITERIA

MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.

334.5.2 PROCEDURE

If a supervisor determines that a MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information using the following contact numbers:

- (651) 649-5451

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- (800) 832-6446

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Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Hopkins Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Hopkins Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 RECORDS UNIT DUTIES

The Records Unit shall assist the Minnesota Crime Victims Reparations Board in performing its duties and ensure that the Records Unit forward copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Release and Security Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171; Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable crime victim information card.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.5 VICTIM INFORMATION

The Support Services Manager shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

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(g) Resources available for victims of identity theft.

(h) A place for the officer's name, badge number and any applicable case or incident number.

(i) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:

1. Safe at Home address confidentiality program (Minn. Stat. 5B.03)
2. Offender release notification (Min. Stat. 244.052; Minn. Stat. 244.053; Minn. Stat. 611A.06; Minn. Stat. 629.73)
3. Tenancy issues (Minn. Stat. 504B.205; Minn. Stat. 504B.206)
4. Victim and specific domestic violence victim information/Minnesota CHOICE (Minn. Stat. 611A.02 et seq.; Minn. Stat. 629.341; Minn. Stat. 629.72)

(j) A notice that a decision to arrest is the officer's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

(k) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reparations .

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate or Prejudice Crimes

338.1 PURPOSE AND SCOPE

The Hopkins Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

338.2 DEFINITIONS

Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (see generally Minn. Stat § 611A.79 Subd. 1).

338.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups relating to hate crime laws.

338.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

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(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant report(s). All related reports will be clearly marked as "Hate or Prejudice Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers will provide the victim(s) of any suspected hate or prejudice crime with the Crime Victim Information card.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or City Attorney.

338.5 INVESTIGATION UNIT RESPONSIBILITIES

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

(a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintaining contact with the victim(s) and other involved individuals as needed.

(c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

338.5.1 STATE HATE CRIME REPORTING

This department shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records staff or assigned to the Investigation Unit (Minn. Stat § 626.5531 Subd. 1). Reports are required to include:

(a) The date of the offense.

(b) The location of the offense.

(c) Whether the target of the incident was a person, private property or public property.

(d) The crime committed.

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(e) The type of bias and information about the offender and the victim that is relevant to that bias.

(f) Any organized group involved in the incident.

(g) The disposition of the case.

(h) Whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation.

(i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

338.5.2 FEDERAL HATE CRIME REPORTING

The Records staff should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Bureau procedures and in compliance with (28 USC § 534 (a)).

338.6 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat § 626.8451 Subd. 1 and 4).

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Conduct Policy

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors. This policy incorporates the elements of the Peace Officer Standards and Training Board (POST) Model Policy regarding the professional conduct of peace officers. However, this policy shall apply to all employees of this department (including volunteer, part-time and auxiliary employees).

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law (see generally Minn. R. 6700.1500).

The Department shall report annually to POST data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

340.2 CONDUCT POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action (see generally Minn. R. Ch. 6700.2000 to Minn. R. Ch. 6700.2600).

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for his/her position or that brings discredit or harm to the professional image or reputation of the Department, its members, the City or the law enforcement profession.

Any disciplinary actions against officers arising from violations of this policy shall be investigated in accordance with Personnel Complaint and Misconduct Procedure Policy and the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89).

340.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any supervisor or person in position of authority absent a reasonable and bona fide excuse.

An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:

(a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the Sergeant / OIC of the conflict or error of the order.

(b) Provide details explaining the grounds for the belief of the conflict or error of the order.

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(c) Request clarification, guidance and direction regarding following the order.

(d) Request the order in writing should the conflict or error be unresolved.

(e) Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

340.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following causes for disciplinary action constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service.

Employees shall conduct themselves, whether on- or off-duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee:

(a) Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.

(b) Activity that is incompatible with an employee's conditions of employment established by law or that violates a provision of any agreement or contract.

(c) Violation of any rule, order, requirement or the failure to follow instructions contained in Department or City manuals.

(d) Willful disobedience to any legal order properly issued by any superior officer of the Department.

(e) Willful neglect of duty, including failure or refusal to perform a known mandatory, non-discretionary, ministerial duty of the office or employment within the time or in the manner required by law to perform (Minn. Stat. § 609.43 (1)).

(f) Making public any active investigation other data classified as not public of the Department to any unauthorized person.

(g) Unreasonable and unwarranted violence to a person encountered or person under arrest.

(h) Under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property or rights (Minn. Stat. § 609.43 (3)).

(i) Use of obscene, profane or derogatory language while on-duty or in uniform.

(j) Unauthorized attendance while on-duty at official legislative or political sessions or functions.

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(k) Willful and inexcusable destruction or loss of Department property.

(l) Violations of federal, state, local or administrative laws that are willful or inexcusable or involve moral turpitude, including violations of Minn. R. Ch. 6700.1600.

(m) Commits any act in an official capacity knowing it is excess of authority or forbidden by law (Minn. Stat. § 609.43 (2))

(n) Any on- or off-duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, disgraceful or that tends to reflect unfavorably upon the Department or its members.

340.3.1 ATTENDANCE

(a) Leaving the job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Tardiness on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

(d) Failure to notify the Department within 24 hours of any change in residence address, home phone number or emergency contact information.

(e) Unauthorized absence from duty or abuse of leave privileges.

340.3.2 GENERAL CONDUCT

(a) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(b) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

(c) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

(d) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department or City property or while in any way representing him/herself as a member of this department, except as expressly authorized by the Chief of Police.

(e) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(f) Failure to maintain required and current licenses (e.g. driver's license, POST license) and certifications (e.g. first aid).

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(g) Establishing an inappropriate social relationship with a known victim, witness, suspect or defendant of a case while such case is being investigated or prosecuted as a result of such investigation.

(h) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(i) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(j) Unauthorized possession of, loss of or damage to Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(k) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities may result in criminal prosecution or discipline.

(l) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(m) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity.

(n) The use of any not public data obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline.

(o) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(p) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(q) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.3 DISCRIMINATION, OPPRESSION, HARASSMENT OR FAVORITISM

(a) Discriminate against, oppress or provide favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition or intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

(b) Discourteous, disrespectful or discriminatory treatment toward any member of the public or any member of this department.

(c) Intentionally subjecting another to sexual harassment.

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(d) Racial profiling (Minn. Stat. § 626.8471 Subd. 2).

340.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior notification of a supervisor.

(d) Unauthorized possession, use of or attempting to bring a controlled substance or other illegal drug to any work site.

340.3.5 PERFORMANCE

(a) Sleeping during on-duty time or assignments without permission.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or that would tend to discredit any member thereof.

(h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Department record, public record, book, paper document (Minn. Stat. § 609.43 (4)).

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(i) Wrongfully loaning, selling, allowing unauthorized use, giving away or appropriating any Department badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.

(j) Carrying, while on the premises of the workplace, any firearm or other deadly weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.

(k) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(l) Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with this manual and each of the policies contained herein.

(m) Work-related dishonesty, failure to disclose, being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof, misrepresenting material facts, including upon or within any application, examination form or other official document, report or form, or during the course of any investigation, including failure to participate in any Department-related investigation or business.

(n) Violating a law related to employment or any misdemeanor, gross misdemeanor or felony statute, involvement in any criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty, including associating with, or joining a criminal gang, organized crime and/or criminal syndicate, security threat group or persons who engage in serious violations of state or federal laws when an employee knew or reasonably should have known of the criminal nature of the organization, except as specifically directed and authorized by the Department.

(o) Attempted or actual theft of Department property, misappropriation or misuse of public funds, property, personnel or services or the property of others or the unauthorized removal or possession of Department property or the property of another person.

(p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.

(q) Offer or acceptance of a bribe or gratuity.

(r) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(s) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; while using any department equipment or system. Gambling

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activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

340.3.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating Department safety standards or safe working practices.

340.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential, private, non-public or protected non-public data.

340.3.8 SUPERVISOR RESPONSIBILITIES

If an employee's conduct is a cause of action for discipline, the supervisor shall inform the employee promptly and specifically of the improper conduct.

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.

(b) Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

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Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of Department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, telephone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Hopkins Police Department, that are provided for use by Department employees.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

Temporary File or Permanent File or File - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages. Such data is classified as government data under the Minnesota Government Data Practices Act and shall be treated as such by all employees.

342.3 SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on Department computers or systems. A Department designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or related to the employee's duties, an alleged or suspected violation of any Department policy, request for disclosure of data, or a need to perform or provide an agency service.

342.4 AGENCY PROPERTY

All information, data, documents and other entries initiated on any of the agency's computers, whether downloaded or transferred from the original agency computer, shall remain the exclusive property of the Department and shall not be available for personal or non-Department use without the express written authorization of an employee's supervisor.

342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of an agency computer virus infection, employees are not permitted to install personal copies of any software onto the computers owned or operated by the Department. If an employee must copy data onto a disk and download it on a non-Department computer, the employee shall scan the disk for viruses before reloading the data on the Department computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the Department while on Department premises or on the Department computer system. The Department and individuals can be subject to civil damages per title copied, along with criminal penalties, including fines and imprisonment. Individuals who violate this policy may also be subject to discipline.

342.6 INTERNET USE

Access to Department technology resources including Internet access provided by, or through, the Department shall be strictly limited to Department-related business activities. Data stored on, or available through, Department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or Department business-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to Department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files. No software program files may be downloaded without authorization of the IT Department or, when related to criminal investigations, the Chief of Police or designee.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

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342.7 INTRODUCTION OF SOFTWARE

Introduction of software by users should only occur as a part of the automated maintenance or update process of Department or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization by the IT Department.

342.8 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

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Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficient for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim does not desire prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a crime has occurred, the documentation shall take the form of a written report.

(b) In every case where any force is used against any person by police personnel.

(c) All incidents involving family violence.

(d) All incidents of crimes motivated by bias (Minn. Stat. § 626.5531).

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(e) All arrests (except misdemeanor traffic citations such as driving after revocation, driving after suspension etc.)

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see Use of Force Policy)

(c) Any firearm discharge

(d) Any time a person is reported missing regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incident that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

(k) Any drowning death and/or general water accident should be reported on the appropriate Department of Natural Resource Form and/or the Hennepin County Sheriff's Office Water Patrol. (Minn. Stat. § 86B.105(a))

344.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of a drug overdose.

(b) Attempted suicide.

(c) The injury is major or serious, whereas death could result.

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(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. Only reports that are completed on a carbonless form such as an impound, found property, animal impound should be handwritten

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Department consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the officer stating the reasons for rejection. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Captains, Sergeant / OICs and designated Press Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the to the first available supervisor or if unavailable, PRESS INFORMATION OFFICER (PIO). Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

    1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Press Information Officer or other designated spokesperson.

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(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Press Information Officer.

346.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Sergeant / OIC. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

346.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the records department. This log will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82 Subds. 2, 3 and 8):

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

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At no time shall identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law (Minn. Stat. § 260B.171 Subd. 5.

At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or would be a violation of Minn. Stat. § 617.246 Subd. 2 (Minn. Stat. § 13.82 Subd. 17 (b)).

At no time shall identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this department has determined that the identity of a juvenile witness reasonably requires protection (Minn. Stat. § 13.82 Subd. 17 (g)).

Information concerning incidents involving persons whose identities are classified as private data under Minn. Stat. § 13.82 Subd. 17, shall be restricted from disclosure in accordance with that statute. Further detail is available in the Records and Information Release Policy.

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Sergeant / OIC. Such requests will generally be processed in accordance with the provisions of the Minnesota Data Practices Act (Minn. Stat. § 13.03).

346.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (See the Records Release and Security Policy and the Personnel Files Policy). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) The identities of involved officers only when the release hinders a law enforcement purpose or reveals the identity of an undercover law enforcement officer and as otherwise required by law (Minn. Stat. § 13.82).

(b) Photographs of an officer without his/her permission except as provided in Minn. Stat. § 626.89 Subd. 12.

(c) Copies of traffic collision reports except to those authorized pursuant to Minn. Stat. § 169.09 Subd. 13.

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(e) Information pertaining to pending litigation involving this department.

(f) Information that uniquely describes stolen, lost, confiscated or recovered property (Minn. Stat. § 13.82 Subd. 20).

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(g) Any information that is otherwise privileged or restricted under state or federal law.

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Court Appearance and Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS

On Call - When an employee has appeared in court, or is at the time on duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager if called back.

Standby - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case (Minn. R. Crim. Proc. Rule 22.01 and Minn. R. Civ. Proc. Rule 45.02).

348.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by:

(a) Delivering a copy of the subpoena to the employee personally.

(b) Delivering a copy to the usual place of residency.

(c) Delivering a copy of the subpoena to the Department subpoena clerk or designee.

(d) Reading the subpoena in the hearing or case where the officer is present.

(e) Electronically transmitting a copy of the subpoena to the officer requiring an acknowledgment of receipt.

(f) Mail delivery requiring an acknowledgment of receipt.

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(g) Oral delivery, including telephonic communications, with proper proof of service and acknowledgment of receipt.

(h) Delivering a copy of the court notice or subpoena from a prosecutor or other government attorney to the employee's work station or mail box. Employees shall check for delivery of such documents during each shift worked.

If a subpoena or court notice from a prosecuting agency is delivered to the Department when the officer/employee is unavailable, records staff may accept the subpoena on their behalf and place the subpoena in the correct mail bin.

348.2.2 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of this department unless it has been properly served.

348.2.3 ACCEPTANCE OF SUBPOENA

(a) Unless served at the employee's residence, only the employee named in a subpoena may accept service, except as outlined in 348.2.1. Such service may be performed by any Sheriff or officer of the State of Minnesota, or any person who is not a party and is 18 years of age or older. A subpoena must be served by delivering a copy to the witness and tendering to that person any fees required by law. If the witness is a party and is represented by an attorney of record in the proceeding, the subpoena may be served on the witness's attorney of record.

(b) Proof of service is by filing either:

1. The witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena.
2. A statement by the person who made the service stating the date, time, manner of service and the name of the person served.

348.2.4 REFUSAL OF SUBPOENA

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. An officer may make alternate arrangements at the discretion of the court and prosecuting attorney's office if there is a conflict, to include rescheduling the court date, time, or the order of testifying witnesses. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, inform the Sergeant / OIC of the expected absence. It shall then be the responsibility of the Sergeant / OIC to notify the issuing authority of the employee's unavailability to appear.

In cases in which a government entity is not a party, if a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual should tell the process server to serve directly to the named witness. If the named witness is not on-duty, the supervisor must inform the process server of the next available duty dates the witness will be on-duty.

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348.2.5 COURT STANDBY

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home telephone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby and will not be their listed address/phone they should advise records of a phone number they will be available at.

348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Hopkins Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisor.

348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.

348.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreement. In such situations, the Department will also reimburse any employee for reasonable and necessary travel expenses.

Except when acting as a witness for a government party, the Department will receive reimbursement for the employee's compensation through the civil attorney of record who called the employee as a witness. Any reimbursement received directly by the employee shall be promptly turned over to the Department.

348.3.1 PROCEDURE

To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the employee or Department is not a party without properly posted fees pursuant to applicable law.

Arrangements for payment can be made with the Captain.

348.3.3 PARTY MUST DEPOSIT FUNDS

A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to

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have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.

348.4 OVERTIME APPEARANCES

If the employee appeared on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE

Employees shall dress in Class A uniform or business attire. Suitable business attire for men would consist of a suit coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than the State of Minnesota, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police and City Attorney/County Attorney's Office as may be indicated by the case.

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

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

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Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible, in accordance with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

The Department may, at the discretion of the Chief of Police, establish an agreement with another agency to (Minn. Stat. § 626.76 Subd. 1):

(a) Assist other peace officers in the line of their duty and within the course of their employment.

(b) Exchange Department peace officers with peace officers of another agency on a temporary basis.

352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission or telephone and are routed to the Sergeant/OIC for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76 Subd. 1 exists.

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance should, if practicable, first notify a supervisor of his/her intentions, except in those situations where the employee or another is in imminent danger and there is an immediate need for assistance. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed.

352.2 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID

Hazardous materials emergencies and their coordination will be handled by the Hopkins Fire Department which is a regional Chemical Assessment Team.

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Once it has been determined that there is a HAZMAT situation, the Fire Department should be paged without delay. The Police Department will act as an assisting unit of Fire Command and serve at their direction

The Minnesota Department of Health All-Hazards Response and Recovery Base Plan identifies on-scene command and control responsibilities when an incident occurs (http://www.health.state.mn.us/oep/plans/allhazardsbase.pdf). The Incident Commander is charged with making an immediate appraisal of the situation and its potential in compliance with mutual aid response guidelines. The All-Hazards Response and Recovery Base Plan base elements recommends that responders should:

- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Isolate incident and identify zones of activity.
- Contain the incident without risking exposure.
- Perform fire fighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Plan Manual.
- Seek additional appropriate resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Department should clarify if it is requesting assistance only or complete scene management.

Officers should contact the Minnesota Pollution Control Agency's (MPCA) Emergency Response Team (ERT) Duty Officer to request assistance at hazardous material emergencies (800-422-0798 or 651-649-5451).

352.3 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Training Sergeant. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to the Sergeant / OIC to ensure proper use in compliance with agreements.

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Registered Predatory Offender

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Hopkins Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

356.2 POLICY

It is the policy of the Hopkins Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Investigation Sergeant or their designee shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

The registration process is typically performed by either MN Department of Corrections or Hennepin County Probation. In lieu of one of those agencies, the Hopkins Police Department will also process registrations.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within two days of the registration.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.3.1 REGISTRATION PROCESS

When an offender arrives to register with this department, the assigned investigator should:

(a) Determine in what state the offense was committed.

(b) Confirm the individual is required to register by reviewing the list of offenses on the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual.

(c) If a person is required to register, contact the BCA to verify whether the offender is already registered and a DNA sample has been submitted.

(d) If the offender is already registered, complete a Change of Information Form (available at the BCA's website).

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(e) If the offender is not registered, complete a Predatory Offender Registration Form (available at the BCA's website).

(f) If the offender is from another state, contact the state (information for each state is listed on the BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit at (651) 793-7070 or 888-234-1248, or through the BCA website.

356.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Sergeant should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) A personal visit to the registrant's address to confirm residence and information on registration.

Any discrepancies should be reported to BCA.

The Investigation Sergeant should also establish a procedure to routinely disseminate information regarding registered offenders to Hopkins Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Department of Corrections Offender Information website or the Hopkins Police Department's website.

The Captain or their designee shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

356.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

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(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) Other cautionary notices included in the Minnesota Department of Correction's (DOC) material for public recipients.

356.5.2 MANDATORY DISSEMINATION

The Department shall provide and release all predatory offender data, or updated data, obtained from BCA or the DOC based upon the offender's status of a Level 1, 2 or 3.

The Department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving inpatient care shall be made by this department (Minn. Stat. § 244.052 Subd. 4c).

356.5.3 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (refer to the BCA document "Confidential Fact Sheet - For Law Enforcement Agency Use Only"):

(a) Mandatory disclosure:

1. Victims who have requested disclosure

(b) Discretionary disclosure:

1. Other witnesses or victims
2. Other law enforcement agencies

356.5.4 LEVEL 2 DISCLOSURE

Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (refer to BCA document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2"):

(a) In addition to Level 1 disclosure, the Department may disclose data to:

1. Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
2. Individuals likely to be victimized by the offender.

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(b) Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or the Minnesota Department of Human Services (DHS).

356.5.5 LEVEL 3 DISCLOSURE

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (refer to the BCA document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota"):

(a) In addition to Level 2 disclosure, the Department shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.

(b) A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.

(c) The process of notification is determined by this department. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary data. Assistance is available from DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to DOC within 48 hours of dissemination (Minn. Stat. § 244.052 Subd. 4 (g)).

356.5.6 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (refer to the BCA documents, "Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents" and "Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents"):

(a) Name and physical description of the offender

(b) Offender's conviction history, including the dates of conviction

(c) Risk level assigned to the offender, if any

(d) Profile of likely victims

356.5.7 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification:

(a) If this department learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Department must contact DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this department whether to proceed with community notification in accordance with the level assigned by the other state.

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(b) If DOC determines that the governing law in the other state is not comparable, community notification by this department may be made consistent with that authorized for risk Level 2.

(c) If this department believes that a risk level assessment is needed, the Department may request an end-of-confinement review. The Department shall provide to DOC the necessary documents required to assess a person for a risk level.

356.5.8 VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Department shall provide victims who have requested notification with data that is relevant and necessary to protect the victim.

The DOC will provide victim contact data to this department when there is a victim who has requested notification (refer to the BCA document "Victim Data Confidential for Law Enforcement Agency Use Only").

It may be appropriate for members of the Department to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Department may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

356.5.9 HOMELESS NOTIFICATION PROCESS

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement.

356.5.10 LIMITATIONS OF RELEASE OF DATA

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.045 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253B.185, Subd. 10a).

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Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Hopkins Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and Captain. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides.
- Suspicious death not attributed to natural causes.
- Any kidnapping or hostage incident
- Traffic collisions with fatalities.
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shooting Policy for special notifications).
- Significant injury or death to an employee, whether on- or off-duty.
- Any serious injury to an arrested person by an officer effecting an arrest that requires force
- Death of a prominent Hopkins official.
- Arrest of:
    - Department employee or prominent Hopkins official.
    - Any law enforcement officer of any criminal justice agency
    - Any national, state, county, or local official of any government or political subdivision, including elected and appointed officials
    - Any person of known national prominence
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Any other incident, which has or is likely to attract significant media attention.

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- Any other incident or condition not already listed here that logically would justify notification of the police

358.4 SERGEANT / OIC RESPONSIBILITIES

The Sergeant / OIC is responsible for making the appropriate notifications. The Sergeant / OIC shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Sergeant / OIC shall attempt to make the notifications as soon as practicable.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification, the Captain and the Investigation Unit Sergeant if that division is providing assistance.

The Captain will make the determination if the Chief of Police should be notified and the responsibilities for notification.

If the Captain is unavailable, the Sergeant OIC shall call the Chief of Police.

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that an officer or investigator respond from home, the detective that is "on call" should be contacted. Other call backs should be done in compliance with collective bargaining agreements.

358.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified at the direction and permission of the Captain or Chief of Police.

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Firearm Injury Reporting

359.1 PURPOSE AND SCOPE

Investigation of cases involving firearm injuries is important to the State of Minnesota and the safety of the public. The Department takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

359.2 INVESTIGATION

All bullet wounds, gunshot wounds, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall be thoroughly investigated by this department upon receipt of any report made pursuant to Minn. Stat. § 626.52 Subd. 2, or that otherwise is reported to the Department.

Information or reports received from health care professionals shall also be investigated but the identity of the reporter shall remain confidential (Minn. Stat. § 626.53 Subd. 1).

Employees investigating firearm injuries should contact a supervisor as soon as reasonably possible if further guidance or additional resources are necessary. All reports or investigations under this section shall be forwarded to the Commissioner of the Department of Health by the Records Bureau (Minn. Stat. § 626.53 Subd. 2).

359.3 HUNTING OR SPORT SHOOTING INJURIES

When investigating a firearm injury, the handling employee shall determine the general cause of the wound, and upon determining that the wound was caused by an action connected with hunting or sport shooting, shall immediately conduct a detailed investigation into the facts surrounding the incident (Minn. Stat. § 626.553 Subd. 1).

The handling employee shall complete all necessary reports, plus the form provided by the Commissioner of Natural Resources for this purpose.

All reports or investigations under this section, including injuries from officer conduct, shall be forwarded to the Commissioner of Natural Resources by the Records Bureau (Minn. Stat. § 626.553 Subd. 1).

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Death Investigation

360.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

Death investigations shall be conducted pursuant to Minn. Stat. § 390.005 through 390.252 if the county has an elected or appointed Coroner (Minn. Stat. § 390.34).

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Peace officers are not authorized to pronounce death unless they are also Coroners or deputy coroners. A supervisor shall be notified in all death investigations.

360.2.1 MEDICAL EXAMINER / CRIME LAB REQUEST / ON CALL INVESTIGATOR

The **Medical Examiner** the **Hennepin County Crime Lab** and the **On Call Investigator** shall be called in all unattended, sudden or unexpected deaths or deaths due to other than natural causes, including, but not limited to (Minn. Stat. § 390.11):

(a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.

(b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.

(c) Unexplained or unexpected perinatal and postpartum maternal deaths.

(d) Deaths under suspicious, unusual or unexpected circumstances.

(e) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.

(f) Deaths that occur during, in association with or as the result of diagnostic, therapeutic or anesthetic procedures.

(g) Deaths due to culpable neglect.

(h) Stillbirths of 20 weeks or longer gestation unattended by a physician.

(i) Sudden deaths of persons not affected by recognizable disease.

(j) Unexpected deaths of persons notwithstanding a history of underlying disease.

(k) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.

(l) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.

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(m) Deaths of persons not seen by their physician within 120 days of demise.

(n) Deaths of persons occurring in an emergency department.

(o) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is a history or evidence of maternal trauma.

(p) Unexpected deaths of children.

(q) Solid organ donors.

(r) Unidentified bodies.

(s) Skeletonized remains.

(t) Unexpected deaths occurring within 24 hours of arrival at a health care facility.

(u) Deaths associated with the decedent's employment.

(v) Deaths of non-registered hospice patients or patients in non-licensed hospice programs.

(w) Deaths attributable to acts of terrorism.

360.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a body known to be dead.

An officer is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal (Minn. Stat. § 525A.12 (a) (1)). If a donor document is located, the Medical Examiner shall be promptly notified.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner.

The Medical Examiner is required to release property or articles to law enforcement that are necessary for conducting an investigation unless reasonable basis exists pursuant to Minn. Stat. § 390.225 Subd. 2 to not release the property or articles (Minn. Stat. § 390.221).

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Medical Examiner.

The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

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360.2.3 DEATH NOTIFICATION

Should a human death result from a fire, either this department or the Fire Department shall immediately notify the state fire marshal (Minn. Stat. § 299F.04 Subd. 5 (b)).

When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. Notification of the next of kin should be coordinated with the Medical Examiner.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a "John Doe" or "Jane Doe" number for the report.

360.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body, including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body, shall be forwarded to the Medical Examiner for entry into the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) file (Minn. Stat. § 390.25 Subd. 2 (a)).

360.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene and the on call investigator shall be notified and respond to the scene for further immediate investigation.

If the on-scene supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator of a homicide or suspicious-circumstances death may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests and provide a report with the costs borne by the Department (Minn. Stat. § 390.251).

360.2.8 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, may ensure that the nearest office of the Minnesota Department of Labor and Industry is notified by telephone or teletype with all pertinent information.

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Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

(a) To assist the public with initiating an investigation, officers presented with the crime of identity theft shall complete a report for crimes occurring in this jurisdiction or for victims who reside within this jurisdiction irrespective of where the crime occurred (Minn. Stat. § 609.527 Subd. 5).

1. For any crime not occurring in this jurisdiction with a victim who does not reside within this jurisdiction, the officer may either:

    (a) Complete a courtesy report to be forwarded to the victim's residence agency.

    (b) Encourage the victim to promptly report the identity theft to the law enforcement agency where he/she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.

(e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

362.3 PREVENTATIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report as allowed by law (Minn. Stat. § 13C.016 Subd. 2). A victim may also access http://www.ag.state.mn.us for additional detailed information.

362.4 VICTIM DATA

The victim may be provided the Consent to Create an FBI Identity Theft File Form and a Notice About Providing Your Social Security Number. An employee who receives these completed forms from a victim should complete a BCA ID Theft Security Information Declaration form. These

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completed forms should be submitted to the Records Bureau for appropriate filing and entry into the NCIC Identity Theft File. Forms and details are available on the BCA identity theft website at (http://www.bca.state.mn.us/IdentityTheft.html) .

362.5 INFORMATION

The victim should also be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at http://ftc.gov, www.consumer.gov/idtheft or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice (USDOJ) website, http://www.usdoj.gov.

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Citizen's Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Minn. Stat. § 629.30 Subd. 2 (4).

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

All officers shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

(c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (Minn. Stat. § 629.39).

364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (Minn. Stat. § 629.37):

(a) For a public offense committed or attempted in his/her presence.

(b) When the person arrested has committed a felony, although not in his/her presence.

(c) When a felony has been committed and he/she has reasonable cause for believing the person to be arrested committed the felony.

(d) When directed by a judge or a peace officer to arrest another person (Minn. Stat. § 629.403).

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

    1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Citizen's Arrest Form. If the person fails or refuses to do so the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the Citizen's Arrest Form (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000 d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized Interpreter - Any Hopkins Police Department employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. Some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. A bilingual individual, depending on skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. To be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Person Disabled in Communication - A person who cannot fully understand legal proceedings or charges involving him/her because of (Minn. Stat. § 611.31):

(a) A hearing, speech or other communication disorder.

(b) Difficulty in speaking or comprehending the English language.

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Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages Department personnel could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice LEP *Guidance to Federal Financial Assistance Recipients* available at the USDOJ website, http://www.usdoj.gov, in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis must remain flexible and requires an ongoing balance of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department personnel or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with Department personnel, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services, while not imposing undue burdens on the Department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the four factors listed above, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

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368.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established Department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other City departments who have the requisite training may be used to the extent available.

Department personnel or any other individual utilized for interpretation must be a qualified interpreter as defined by Minnesota law in order to provide communications services when a person disabled in communications may be subject to arrest, interrogation or property seizure (Minn. Stat. § 611.32 Subd. 2).

368.3.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to Department personnel and other appropriate individuals.

368.3.3 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 LANGUAGE LINE

Department members will most often utilize language line for interpretation services. The phone number and access code is available in the booking area. Officers may make copies of the information to carry with them in the field.

When possible the conversation should be recorded and the operator's ID number should be recorded.

368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual Department personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring law enforcement agencies, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of

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the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended. Department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the USDOJ Final Guidance available at the USDOJ website, http://www/usdoj.gov).

368.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that these services may be targeted where they are most needed. A supervisor should be informed of any service requests other than those provided by the Department.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

368.4.1 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined above to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that Department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

368.4.2 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an

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interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

368.4.3 CUSTODIAL INTERROGATIONS AND BOOKINGS

To protect the rights of LEP individuals during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

To ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is under the control of Department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.4 INTERPRETER REQUIRED IN ARRESTS

Following an arrest of a person disabled in communication, the arresting officer shall immediately make arrangements to provide a qualified interpreter at the earliest possible time and at the place of detention. The officer shall, with the assistance of the interpreter, explain all charges filed and all procedures relating to the person's detainment and release (Minn. Stat. § 611.32 Subd. 2). The officer shall inform his/her supervisor of the arrest and the need for a qualified interpreter.

Prior to an interrogation or taking a statement, the arresting officer shall make available a qualified interpreter to assist throughout the interrogation or taking of a statement. The interpreter shall assist with all other communications, including those relating to needed medical attention.

368.4.5 QUALIFIED INTERPRETER REQUIRED FOR PROPERTY SEIZURE

If the property of a person is seized incident to a lawful arrest or search, the seizing officer shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review (Minn. Stat. § 611.32 Subd. 2).

368.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of Department duties. The Department may do so by providing interpretation assistance

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or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

368.4.7 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to programs and services to LEP individuals and groups.

368.5 TRAINING

In an effort to ensure that all personnel in public contact positions or who have contact with those in custody are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access Department-authorized, telephonic and in-person interpreters and other available resources.

The Field Training Sergeant shall be responsible for ensuring all new personnel receive LEP training. The Training Sergeant shall ensure that all personnel receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

368.6 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

(a) A list of Department bilingual employees, languages spoken and contact and shift information

(b) A list of Department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information

(c) The telephone number and access code of telephonic interpretation services

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Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq., it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.1.1 DEFINITIONS

Person Disabled in Communication - A person who cannot fully understand legal proceedings or charges involving him/her because of (Minn. Stat. § 611.31):

(a) A hearing, speech or other communication disorder.

(b) A difficulty in speaking or comprehending the English language.

Qualified Interpreter - An individual able to communicate, repeat and translate legal proceedings to another individual who qualifies as a person disabled in communication pursuant to Minn. Stat. § 611.31. The qualified interpreter shall meet the qualifications, take the required oath and respect communications as privileged under Minn. Stat. § 611.33.

370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.

(b) The nature of the disability (e.g., total deafness or blindness versus impairment).

(c) The nature of the law enforcement contact (e.g., emergency versus non-emergency, custodial versus consensual contact).

(d) Availability of resources to aid in communication.

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its officers.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Department employees should remain alert to the possibility of

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communication problems. They should exercise special care in the use of all gestures, and with verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and shall be honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department-provided services may include, but are not limited to the following:

370.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.

(b) Facing an individual who uses lip reading, and speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document, i.e., reading a citizen complaint form to a visually impaired individual or utilizing a photocopier to enlarge printed forms for a visually impaired individual.

370.3.3 TELEPHONE INTERPRETER SERVICES

The Department will maintain a list of qualified interpreter services, to be contacted at Department expense and upon approval of a supervisor, to assist deaf or hearing-impaired individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity. The interpreter should be available to respond within a reasonable time, generally not to exceed three hours.

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370.3.4 TTY AND RELAY SERVICES
Individuals who are deaf or hearing-impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

370.3.5 COMMUNITY VOLUNTEERS
Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

370.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL
While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

370.4 CONTACT SITUATIONS AND REPORTING
While all contacts, services and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where they are most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

370.4.1 QUALIFIED INTERPRETER REQUIRED IN ARRESTS
An officer who arrests a person who, due to deafness or a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings, and before an interrogation or the taking of a statement, shall inform his/her supervisor of the arrest and ensure a qualified interpreter as specified by law is available at public expense to the arrestee (Minn. Stat. 611.32 Subd. 2).

The arresting officer shall immediately make arrangements to provide a qualified interpreter at the earliest possible time and at the place of detention. The officer shall, with the assistance of the interpreter, explain all charges filed and all procedures relating to the person's detainment and release (Minn. Stat. § 611.32 Subd. 2).

Prior to an interrogation or taking a statement, the arresting officer shall make available a qualified interpreter to assist throughout the interrogation or taking of a statement. The interpreter shall assist with all other communications, including those relating to needed medical attention.

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370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

To ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is under the control of Department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners, Therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices, such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

(c) Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.

370.4.3 QUALIFIED INTERPRETER REQUIRED FOR PROPERTY

If the property of a person is seized incident to a lawful arrest or search, the seizing officer shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review (Minn. Stat. § 611.32 Subd. 2).

370.4.4 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary. Therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must assess each situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

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Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact with a disabled or impaired individual, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.4.5 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

370.5 TRAINING

In an effort to ensure that all employees in public contact positions or who have contact with those in custody are properly trained, this department will provide periodic training in the following areas:

(a) Employee awareness of related policies, procedures, forms and available resources.

(b) Employees having contact with the public or those who are in our custody are trained to work effectively with in-person and telephone interpreters and related equipment.

(c) Training for management staff, even if they may not interact regularly with disabled individuals, so that they remain fully aware of and understand this policy, can reinforce its importance, and ensure its implementation by staff.

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School Employee Arrest Reporting

372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher and non-teacher, has been arrested under certain circumstances.

372.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, a felony involving moral turpitude, child abuse or sexual abuse offense, the Chief of Police or designee should report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the superintendent of the school district employing the teacher and give written notice of the arrest to the superintendent of schools in the county where the person is employed.

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the superintendent of the school district employing the non-teacher and may give written notice of the arrest to the governing board of the school district employing the person.

372.2.3 ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE TEACHER

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the private school or licensed day-care authority employing the teacher and may give written notice of the arrest to the private school authority employing the teacher.

372.2.4 ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the private school or licensed day-care authority employing the non-teacher and may give written notice of the arrest to the private school authority employing the person.

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Pupil Arrest Reporting

373.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

373.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting officer shall include the necessary information in the report to ensure that the Records Unit notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest. If the school wasn't notified at the time of arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the arresting officer shall complete the appropriate form and submit the form with the report to the Records Unit. The Records Unit shall ensure the form is distributed to the chemical abuse pre-assessment team of the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

373.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school, may reduce disruption to school operations and other students.

373.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

373.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and where the pupil will be taken.

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DNA and Biological Samples

374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

374.2 POLICY

The Hopkins Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following persons must submit a biological sample:

(a) Adults who are subject to a court order requiring a biological sample after sentencing (Minn. Stat. § 609.117).

(b) Juveniles who are subject to a court order requiring a biological sample after being adjudicated delinquent (Minn. Stat. § 609.117).

374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

374.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Minn. Stat. § 609.117.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person's criminal history. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Minnesota Bureau of Criminal Apprehension or Hennepin County Sheriff's Office to perform the collection and take steps to avoid cross contamination.

374.5 USE OF FORCED TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval

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of legal counsel and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.6 LITIGATION

The Chief of Police, or authorized designee, shall immediately notify the BCA or Hennepin County Crime Lab in the event that this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Chaplains

376.1 PURPOSE AND SCOPE

The Hopkins Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

376.2 POLICY

It is the policy of this department that the Chaplain Program shall be a nondenominational, ecumenical ministry provided by volunteer clergy without financial compensation.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for Department personnel and the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for Department personnel, their families and the public.

(d) By being alert to the spiritual and emotional needs of Department personnel, their families and the public.

(e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Law Enforcement Chaplain:

(a) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(b) Must submit to and pass a criminal background check completed by the department or its designee.

376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.

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(b) Recommendation from their faith's community elders, board or council.

(c) Interview with Chief of Police and Chaplain Supervisor

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

376.6 DUTIES AND RESPONSIBILITIES

Chaplains are volunteer members of the Department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy in this manual and other applicable Department policies. The duties of a chaplain include, but are not limited to, the following:

(a) Assisting in making notification to families of Department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the Department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating, when requested, in funerals of active or retired members of the Department.

(e) Assisting other personnel in the diffusion of a conflict or incident when requested to by on-scene staff.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that, in the judgment of the Sergeant / OIC or supervisor, aids in accomplishing the mission of the Department.

(g) Being on call, and if possible on-duty, during major demonstrations or any public function that requires the presence of a large number of Department personnel.

(h) Attending Department ceremonies and social events and offering invocations and benedictions, as requested.

(i) Responding to all major disasters, such as floods, bombings and similar critical incidents.

(j) Providing liaison with various religious leaders of the community.

(k) Assisting public safety personnel and the community in any other function of the clergy profession as requested.

(l) Participating in in-service training classes.

(m) Willing to train to enhance effectiveness.

(n) Promptly facilitating requests for representatives or leaders of other denominations.

(o) Making referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

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Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions and follow-up provided while functioning as a chaplain for the Hopkins Police Department.

376.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the Hopkins Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Hopkins Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

376.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or designee chaplains shall report to the Chaplain Coordinator.

(b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Chaplain Coordinator.

(c) Chaplain Coordinator shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for regular meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

376.9 OPERATIONAL GUIDELINES

(a) Chaplains shall be permitted to ride with officers during any shift and observe Hopkins Police Department operations, provided the Sergeant / OIC has been notified and has approved the activity.

(b) Chaplains shall not be evaluators of employees.

(c) In responding to incidents, a chaplain shall never function as an officer.

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(d) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(e) Chaplains shall serve only within the jurisdiction of the Hopkins Police Department unless otherwise authorized by the Chief of Police or designee.

(f) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private; each chaplain will exercise appropriate security measures to prevent distribution of the data.

376.9.1 UNIFORMS AND BADGES

A police Identification card shall be issued to Chaplains and should be worn on the outermost layer of clothing when in the station or on a scene.

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Child and Dependent Adult Safety Policy

380.1 PURPOSE AND SCOPE

The Hopkins Police Department recognizes that family members who are subjected to traumatic events, such as the arrest of a parent, guardian or caregiver, may experience lasting negative emotional effects. After such an event a child or dependent adult may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to create a strong cooperative relationship with local, state and community-based social services. This is to ensure an effective, collaborative response that addresses the needs of affected dependents.

380.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Hopkins Police Department will endeavor to create a strong cooperative relationship with local community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation, officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children or dependent adults. In some cases this is obvious, such as when children or dependent adults are present. However, officers should inquire if the person has any other dependent minor children or adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have dependents for fear the individual may be taken from them.

(c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child or adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the dependent child or adult that they will receive appropriate care.

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380.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered minor children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of minor children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children and dependent adults with a responsible party, as appropriate.

    1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends the individual knows and trusts. Consideration regarding familiarity with the surroundings, comfort, emotional state and safety should be paramount.

    2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children or adults with a nonarrested parent or guardian.

(b) Provide for the immediate supervision of minor children or dependent adult until an appropriate caregiver arrives.

(c) Notify Hennepin County Child Protection Division or the Hennepin County Social Services Vulnerable Adult Division if appropriate.

(d) Notify the field supervisor or Sergeant / OIC of the disposition of minor children or dependent adults.

If children or dependent adults are at school or a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be included in the associated report.

380.2.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional free local and/or long distance telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child or adult. These telephone calls shall be given as soon as practicable and are in addition to any other telephone calls allowed by law.

380.2.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting officer will document the following information:

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1. Names
2. Gender
3. Age
4. How, where and with whom or which agency the child was placed.

(b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

1. Identity
2. Whether he/she reasonably appears able to care for him/herself.
3. Disposition or placement information if he/she is unable to care for him/herself.

380.3 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children or adults, the handling officer should consider taking the children or dependent adults into protective custody and placing them with the appropriate county welfare service or other licensed social service entity (Minn. Stat. § 260C.007 Subd. 6 (1) and Minn. Stat. § 260C.175 Subd. 1 (2) (ii)).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.4 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults participate, on a timely basis, in an approved course on effective safety when a parent or guardian is arrested.

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Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Hopkins Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of the ways service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Hopkins Police Department affords to all members of the public (see generally Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the Minnesota Department of Human Rights.

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Reserve Unit

384.1 PURPOSE AND SCOPE

The organization shall be known at the Hopkins Police Reserve Unit and shall herein be referred to as the Reserve Unit.

(a) The official address of the Reserve Unit shall be 1010 - 1st Street South, Hopkins, Minnesota, 55343.

(b) The objectives of the Reserve Unit are:

1. To assist the established police of the City of Hopkins as a unit by performing services usual to such a unit, and to perform such other functions as directed the police of the City of Hopkins.
2. To assist any organized or volunteer police, fire, rescue units of other municipalities, which shall request the services of the Reserve Unit.

The Reserve Unit shall be nonpolitical, nonsectarian, educational in character and operation, and shall be authorized to receive gifts and contributions from individuals and organizations to achieve the Reserve Unit's foregoing purposes.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

384.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Hopkins Police Department volunteer include:

(a) Twenty one (21) years of age or older.

(b) United States citizen.

(c) Reside within the seven county metro area.

(d) Possess a valid Minnesota driver's license or a valid driver's license with another state.

(e) Must be a High School or GED graduate or above.

(f) Good physical, mental, and emotional condition, proportional height and weight.

(g) The applicant must not have any mental illness or chemical dependency condition that may adversely affects the person's ability to serve in the position

(h) Not been convicted of any felony or gross-misdemeanor crime.

(i) Submit to a general background investigation.

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(j) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, theft or any crime related to impersonating a law enforcement officer.

(k) Sign affidavits required by the City of Hopkins and its police department.

(l) Must pass required examinations.

(m) Provide the minimum required hours set by the reserve coordinator or their designee

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER SUPERVISION AND MANAGEMENT

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Reserve Command Staff Officers shall be(in order of top command level to lowest): Chief of Police, Operations Captain, Sworn Police Reserve Coordinator, Reserve Captain, Reserve Lieutenant, and up to three (3) Reserve Squad Sergeants.

The Volunteer Coordinator or designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Maintaining records for each volunteer.

(c) Tracking and evaluating the contribution of volunteers.

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(e) Maintaining a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary paperwork and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

(i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

The Reserve Captain shall have the following duties: To call and preside at all meetings; to see that all subordinate officers execute their obligations to the best of their abilities; oversee all operations of the Reserve Unit; to enforce the policy guidelines and bylaws of the Reserve Unit as well as the police department's regulations; to assign reserve officers to their duties; to appoint temporary Reserve Command Officers when necessary; and to maintain the unit's records.

The Reserve Lieutenant shall assist the Reserve Captain in the discharge of his / her duties and shall in the absence of the Captain, assume the duties of the Captain. The Reserve Lieutenant's

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primary function will be to provide instructional training formats for all reserve members at all meetings and shall have immediate supervision of the performance, duties, and activities of the Reserve Sergeants. The Reserve Lieutenant shall also be responsible for administrative record keeping as assigned by the Reserve Captain.

The Reserve Sergeants shall have the following duties: Each Sergeant shall assist the Reserve Captain and Lieutenant in the discharge of his I her duties. They shall observe, supervise, and evaluate the performance and activities of the subordinate reserve officers and shall assist in the training of those officers. Reserve Sergeants will assist in administrative tasks as assigned by the Reserve Captain.

Reserve Training Officers (R.T.O.) will be directly supervised by the Reserve Command Staff Officers and will assist in the training and evaluation of probationary reserve officers in their performance in the field. The RTO may exercise supervisory discretion with such new officers during training.

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

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384.2.4 SELECTION AND PLACEMENT

(a) **Selection of all Members -** Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork. At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Department.

(b) **Selection of Command Staff Members**

1. **Captain -** Shall be appointed by the Chief of Police upon recommendations of the Reserve Coordinator(s) and the Liaison Officer. To qualify for this position, a reserve candidate must have had served with the unit a minimum of two years with the unit. Must submit to any reviews or exams set forth by the Chief of Police or reserve coordinators.

2. **Lieutenant -** Any reserve officer that has been with the unit for a minimum of two years. Must submit to any exams or reviews set forth by the Reserve Captain and reserve coordinators.

3. **Sergeant -** Any reserve officer who has served a minimum of eighteen months with the unit and has successfully passed probation. Must submit to any exams or reviews set forth by the Reserve Captain and reserve coordinators.

Non-Qualification - In any case where none of the above qualifications for any of the positions can be met, it shall be the duty of the Chief of Police, or the Reserve Captain and coordinators to decide the eligibility and qualifications for the appointment to these positions.

384.2.5 EMPLOYEES WORKING AS OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a or volunteer in such a way that it would violate employment laws or labor agreements (Example: a detention officer working as a officer for reduced or no pay). Therefore, the Coordinator should consult the Personnel Department prior to an employee serving in a or volunteer capacity (29 CFR 553.30).

384.2.6 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment. The training program shall be established by the reserve coordinator or their designee.

Probationary Training Period

(a) Newly appointed reserve officers shall serve a one-year probationary period.

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(b) During training, all probationary reserve officers shall be required to donate a minimum of 15 hours per month dedicated to training, including, all classroom training assigned by the command staff.

(c) At the completion of classroom training, probationary reserve officers will begin full-field training. All probationary reserve officers will be required to meet the standard of donating a minimum of 10 hours per month to the reserve unit. During this time, the designated training officer should start documenting performance evaluations and accomplished tasks in the reserve RTO packet.

(d) During the probationary period, the designated training officer(s) shall complete continued documentation of training and evaluations. Evaluations will be conducted by the reserve command officers to determine the training progress of the probationary reserve officer.

(e) After one year of service, the reserve command officers shall make a final evaluation of the probationary reserve officer to determine if the officer has met the standards of training. The reserve command officers can extend the probation period for probationary reserve officers, depending on their progress.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Reserve Training Evaluation Program The following guidelines have been adapted for the Hopkins Police Reserve Unit for the purposes of evaluating the performance probationary reserve officers during their one-year probationary training period. The guidelines are designed for continuity during the training period therefore, making sure that all recruits receive adequate and proper training. The categories will correspond to the numbers on the evaluation form that the training officer will fill out each time the recruit is in training during field operation situations. The Daily Observation Report (DOR) is a performance evaluation form that includes the ten (10) categories that the RTOs will use to formally record and report your on-the-job performance. The RTO will review your overall performance with you on a category-by-category basis at the end of each shift worked or immediately before the next shifts street assignment. The purpose of this debriefing is to assist you in correcting areas of deficient performance and further strengthen those areas in which you are performing acceptably. There are no secrets in the Field Training and Evaluation process; you always know exactly where you stand in terms of formal performance assessment. You will be required to sign and date each DOR after you are debriefed. Your signature indicates that you and your RTO discussed the performance assessment and actions during the assigned work shift, which measure against the Standard Evaluation Guidelines representing your current level of performance proficiency.

Not Responding to Training When instruction and additional coaching has been provided but you are still unable to satisfactorily perform/demonstrate, or explain the knowledge/skill area(s), an NRT (Not Responding to Training) notation (x) will be made on the front-side of the DOR. Chronic NRTs, in spite of additional coaching and training effort is an indication that a performance

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deficiency exists that has the potential to place your continued employment in jeopardy. Chronic NRTs generally result in an extension of training to further assist you get back on track. Persistent NRTs may result in a recommendation for an Employment Status Hearing to reassess your continued employment status. All reserve unit member shall receive training in the following areas:

(a) Role of the volunteer.

(b) Department and reserve unit policies.

(c) Training specific to the procedure manual for the volunteer position.

(d) Discrimination and harassment training.

(e) Search and rescue techniques.

(f) Scenario-based searching methods.

(g) Evidence preservation.

(h) Basic traffic direction and control.

(i) Roadway incursion safety.

(j) Self-defense techniques.

(k) Vehicle operations, including specialized vehicles.

(l) Police report writing.

(m) Crime prevention techniques.

(n) Federal, State and local laws and ordinance.

(o) Radio and computer use.

(p) Transportation of prisoners

Reserve officer may also receive training in:

(a) CPR / Emergency medical responder.

(b) Emergency vehicle operation.

(c) Bicycle patrol

Pursuant to Minn. Stat. § 626.8466, the Department may establish training, licensing and continuing education requirements for its reserve officers. Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer that they are licensed officers or other full-time members of the Department. They shall always represent themselves as volunteers. All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a licensed officer, it shall also apply to a volunteer unless by its nature it is inapplicable.

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384.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.8 UNIFORMS AND EQUIPMENT

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties. Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers.

(a) New Reserve Officers will be issued required equipment as determined by the Reserve Command Staff.

(b) Beyond the issued equipment Reserve Officers may purchase additional equipment at their expense. Any additional equipment must be approved for use by the Hopkins Police Reserve Command Staff.

(c) No equipment issued to any member may be used or worn in any capacity other than the performance of official duties with the Hopkins Police Department.

(d) No member shall wear or display any part of the uniform unless acting in an official capacity for the Hopkins Police Reserve Unit.

(e) Reserve Officers will at no time carry, either open or concealed, any firearm or other weapon not authorized by department regulation. Reserve Officers in possession of a firearm or other weapons while reporting for duty shall immediately secure the weapon upon their arrival to the police department in their assigned locker or other location approved by command staff prior to reporting for duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Unit supervision will follow the command structure as outlined in 384.2.1 volunteer supervision and management section of this policy.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 DATA PRACTICES

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

Reserve officers shall leave all department forms whether completed or not, directories and other department information within the confines of the police department except when actively participating in department authorized activates. An area will be provided for storage of such items in the reserve office when reserves are not on duty.

The only exception to this rule is a reserve may keep a copy of the reserve personal roster at their residence for access to unit member contact information. This can be done only if the member can guarantee the confidentially of this information in their residence. Reserve Officers are expected to keep all access codes, passwords and website logins confidential and are not to share this

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information with anyone outside of the department. Reserve officers shall not use these access codes, passwords or logins when not within the confined of the department building or department vehicle unless they have expressed permission to access such at another location for a specific project or assignment.

384.5 VEHICLE USE

Reserve Officers shall be allowed to operate department vehicles upon authorization to do so through the field training program. Reserve Officers must maintain an active license for the class of vehicle they will be operating and will cease operation of said vehicle and notify their supervisor or the reserve coordinator.

Emergency Vehicle Operation Only reserve officers who have the approval of the reserve coordinator or their designee may operate a vehicle in emergency response mode.

(a) The reserve officer will review and acknowledge the applicable state statues.

(b) Complete an approved emergency-driving course

(c) Complete an approved emergency medial course - Emergency Responder or above

(d) A reserve officer that has not received training may operate a vehicle in emergency mode if directly requested to by a police officer or supervisor. Such authorization is to be considered unique to the situation the request is made under and does not authorize the reserve officer to operate a vehicle in emergency mode beyond the authorized situation.

Reserve Officers authorized to driver in emergency mode must :

(a) Adhere to the Hopkins Police Response Policy

(b) The reserve officer adheres to reserve response guidelines.

Should a reserve officer be dispatched to a call for service that requires an emergency response and they are NOT certified, They are to advise dispatch that the call should be reassigned to a qualified member of the department.

RESERVE RESPONSE GUIDELINES Reserve officers will adhere to the following guidelines as they relate to responding to calls for service. The call types are broken into three categories and are meant to dictate reserve self initiated response. Should a reserve officer be dispatched by a dispatcher directly for a call of service that is not authorized by this policy they shall immediately inform dispatch that the call for service should be re-dispatched to a qualified member of the department. Nothing in this policy is meant to impend or prevent a reserve officer from responding to any call for service if directed to do so by a police supervisor.

Category I- Public Service Oriented The Reserve Officer shall proceed directly to the call location for the following calls:

- Animal Complaints
- Assist Invalid

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- Assisting on Routine Traffic Stops
- Bicycle Safety Enforcement
- Community Events/Crime Prevention
- Council Agenda Delivery
- Found Property (If not of a hazardous or criminal nature)
- Impounds
- Lockouts
- Motorist Assists/Stalled Vehicles
- Parking Complaints (Fire Lane, Overtime Parking, Handicapped Parking, etc.)
- Public Assists - Transportation
- Traffic Control
- Funeral Escorts
- Pre-planned Groups Gathering

Category II - Unknown / Disturbance Calls The Reserve officer can proceed to the call location but shall not be the primary responding unit and will proceed to the actual call location until the primary officers arrive on scene and advise that the reserve officer can proceed to the call location.

- Customer Disputes
- Domestics
- Groups Gathering and Disturbing
- Intoxicated Persons Disturbing
- Loud Parties
- Slumpers
- Suspicious Persons
- Suspicious Vehicles

Category III - High Risk Response The reserve officer will not proceed to the area and will not arrive on the scene of the call with out express permission. The reserve office shall monitor the call via radio and will only proceed to the area if requested to by the offices involved on the call.

- Burglaries in Progress/ Residence has not been checked
- Intrusion Alarms
- Hold Up Alarms
- Bomb Threats/Bomb Calls

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- Motor Vehicle Pursuits
- Domestic Assaults in Progress
- Fights/Assaults in Progress
- Hazmat Incidents
- Intoxicated Persons Down
- Prowlers/Window Peepers
- Shots Fired/Weapons Calls
- Trespassers
- Unknown Disturbances
- Unsecured Businesses/Open Doors
- Unsecured Crime Scenes
- Unwanted Persons

Should a Reserve Officer observe a category II or III situation in progress, the Reserve Officer shall call for police officer response and, if possible while maintaining safety, monitor the situation from a safe distance and await further instructions from a police officer, supervisor, or the officer in charge.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

The reserve coordinator and reserve captain will investigate and address all disciplinary matters as it relates to the Hopkins Police Reserve Unit. Any member of the unit reported to have violated any Hopkins Police Reserve Unit bylaws, Hopkins Police General Orders or Minnesota State Statues will be subject to disciplinary actions.

Disciplinary action shall be handled in accordance with Hopkins Police Department policy. Any officer of the unit may be recommended to the command officers for disciplinary action for the abuse or misconduct of their appointed position. The charge against such an officer shall be made in writing and submitted to the Reserve Coordinator. The command officers of the unit shall handle disciplinary action. Disciplinary actions will be subject to review by the Reserve Coordinator, and the Chief of Police who has final authority.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

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384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly and to ensure optimum job satisfaction on the part of volunteers.

The reserve coordinator or their designee will produce a yearly report of the activities of the reserve unit and present it to the Chief of Police for review. This report should contain at a minimum the hours donated by members of the unit and should also include unit accomplishments and notable personal changes that took place the previous year.

384.8 EMERGENCY CALL OUT FOR VOLUNTEER PERSONNEL

An emergency call out roster will be maintained by Hennepin County Sheriffs Office for emergency call outs of reserve personal. It is the reserve officer's responsibility to maintain their contact information and contact the reserve coordinator or their designee with the updated information.

A backup call out system shall be maintained at the Hopkins Police Department for contact should Hennepin County's system become inoperable.

384.9 NON-SWORN EMPLOYEE PRISONER TRANSPORT POLICY

This policy is for Hopkins Police Department Reserve Personnel to follow when transporting an individual who has been taken into custody.

384.9.1 LIMITATIONS

Non Sworn employees shall *not* transport the following:

- Violent Offenders
- Combative persons
- Persons who have made threats that they will be combative
- Persons with a history of being combative
- Persons making suicidal comments
- Persons with an injury or claiming injury that could cause jail to reject their admittance
- Obviously intoxicated persons who require paperwork to be released (Intoxicated persons release form, Health and welfare hold and/or jail paperwork)
- Persons under the influence of any other substance to the extent that would cause jail to reject their admittance

All non-sworn prisoner transports must be approved by the on duty supervisor.

If there is a Sergeant on duty, they are allowed discretion to have a PSO or Reserve Officer transport a person who is on the prohibited list above. Absent an on duty Sergeant, the OIC will strictly follow the guidelines listed above.

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384.9.2 TRAINING

- In order to transport in custody individuals, non-sworn personnel must complete annual in custody transport training and demonstrate proficiency in use of force. At the time of the in custody transport training, personnel must review the policy for transporting individuals who are in custody.
- Reserve Officers will complete additional training as designated by the reserve staff. Only reserve officers who have been certified for transporting individuals will be able to transport.
- The reserve officers who are certified to transport will be indicated on the roster.

384.9.3 SWORN OFFICER RESPONSIBILITY

If a sworn officer is requesting a non-sworn personnel transport of an in custody, notify the supervisor on duty.

384.9.4 RESERVE OFFICER RESPONSIBILITIES

- Check handcuffs prior to transport to make sure they are applied appropriately
- Transport prisoners in the rear of the squad and utilize the seat belt
- Once prisoners are secured, all squad doors should be locked
- Utilize squad video and audio monitoring equipment
- Obey the speed limit and other traffic laws
- Non Sworn Personnel will not respond to other calls for service or stop for observed activity while transporting unless exigent circumstances exist. Reserve/PSO will notify dispatch or other officers to respond
- Request assistance from detention facility staff if needed
- Contact the on duty supervisor with any questions or concerns

384.9.5 UNUSUAL INCIDENTS

Unusual incidents may be defined as, but not limited to, medical emergencies, attempted escapes, hostile prisoner, and accidents with transport vehicles. Should an unusual incident occur during a prisoner transport, the transport officer shall take the following actions, in an order appropriate for the situation:

- Immediately notify dispatch as to the location of the incident;
- Request additional support to the location based on the nature of the incident (medical, fire rescue, law enforcement support, etc)
- Notify the on-duty supervisor as soon as practical

<u>Engaging a subject in the rear passenger compartment</u>

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- If a subject is hostile and/or combative in the rear passenger compartment, do not engage the subject until sworn law enforcement arrives on scene to assist
- If the subject claims an injury, notify the on duty supervisor
- If the subject appears to be in need of life saving medical attention, notify the supervisor, and render medical aid as directed

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Native American Graves Protection and Repatriation

386.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC. 3001). The protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands while in the performance of duties is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

386.2 DEFINITIONS

Definitions related to NAGPRA include (43 CFR 10.2):

Native American Human Remains - The physical remains of the body of a person of Native American ancestry.

Funerary Objects and Associated Funerary Objects - Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Sacred Objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

Objects of Cultural Patrimony - Items having ongoing historical, traditional or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member.

386.3 COMPLIANCE WITH NAGPRA

Upon discovery or arrival upon a scene where it reasonably appears a Native American grave, human remains, funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene, other than scene preservation activity, must cease (43 CFR 10.4 et seq.).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene 43 CFR 10.4(d):

- Federal land - Appropriate agency at the U.S. Department of the Interior.
- Tribal land - Responsible Indian Tribal official.

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386.4 EVIDENCE AND PROPERTY RELEASE

If the scene has been investigated as a possible homicide prior to identification as a NAGPRA site, investigators shall work with other agencies and individuals to ensure the proper transfer and repatriation of material collected, photographs and other records to the appropriate agency or individual responsible for disposition of the site, and that any remains or artifacts are expediently processed (43 CFR 10.6).

386.5 BURIAL GROUNDS

It is a declaration and statement of legislative intent that all human burials, human remains and human burial grounds shall be afforded equal treatment and respect for human dignity, without reference to ethnic origins, cultural backgrounds or religious affiliations (Minn. Stat. § 307.08 Subd. 1).

This department shall cooperate with other government agencies, the Minnesota Office of the State Archaeologist and the Minnesota Indian Affairs Council to carry out any provisions of state law (Minn. Stat. § 307.08 Subd. 9).

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Off-Duty Law Enforcement Actions

388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Hopkins Police Department with respect taking law enforcement action while off-duty.

388.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

388.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms and Qualification Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or a baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

388.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if reasonably possible.

Whenever reasonably practicable, the officer should loudly and repeatedly identify him/herself as an Hopkins Police Department officer until acknowledged. Official identification should also be displayed.

388.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

388.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and reasonably practicable.

388.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

388.5 REPORTING

Any officer, after taking any off-duty law enforcement action, shall notify a Hopkins Police Department supervisor (or other applicable enforcement authority if acting outside the jurisdiction of the Hopkins Police Department). The Sergeant / OIC shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Hopkins, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other Divisions within the Department, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Hopkins Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism-related reports are forwarded to the Investigation Unit Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various divisions of the Hopkins Police Department.

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400.2.1 SIGNIFICANT INCIDENT REPORT

Sergeant's/OIC's will complete a significant incident report and forward it in an email to the members of the police department. Examples of incidents that would warrant a significant incident report:

- Death Investigation
- Serious Assaults
- Crime trends such as several vehicles being broken into in an area
- CSC
- Burglaries
- Pursuits
- Media reported incidents
- Any other incident the Sergeant/OIC feels warrants reporting

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate Division for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Investigation Unit for display of suspect information, investigative reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Racial/Bias Based Profiling

402.1 PURPOSE AND SCOPE

The State of Minnesota finds that the reality or public perception of racial profiling alienates people from law enforcement, hinders community policing efforts and causes law enforcement to lose credibility and trust among its citizens.

The Hopkins Police Department strives to provide law enforcement to our community with due regard to the racial, cultural or other inherent differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group (Minn. Stat. § 626.8471 Subd 4).

402.2 DEFINITION

Racial/Bias Profiling - Any action initiated by law enforcement that relies on the race, ethnicity or national origin of an individual rather than the behavior of that individual, or information reliant upon the same criteria, that leads to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial/bias profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial/bias profiling does not include use of race or ethnicity to determine whether a person matches a specific description of a particular subject. (Minn. Stat. § 626.8471 Subd. 2).

402.2.1 IMPROPER CONDUCT

Race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability , or affiliation with any other similar identifiable group shall not be utilized as the basis for providing differing levels of law enforcement service or the enforcement of the law (Minn. Stat. § 626.8471 Subd. 3).

Officers may take into account the descriptors delineated above 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.

402.3 POLICY

The practice of racial/bias based profiling is illegal and will not be tolerated by this department.

(a) It is the responsibility of every member of this department to prevent, report and respond appropriately to clear discriminatory or biased practices.

(b) No retaliatory or punitive action may be taken against any officer who discloses information concerning racial profiling

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(c) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

1. To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.
2. Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.
3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

(d) When requested, each employee has a duty to give his/her name, badge number and identify this department during routine stops and contacts (Minn. Stat. § 626.8471 Subd. 3).

(e) When requested, each employee should inform a member of the public of the process to file a misconduct complaint for racial profiling against a member of the Department and that racial profiling complaints may be made by calling the Attorney General's main toll-free telephone number (Minn. Stat. § 626.9514).

402.4 TRAINING

(a) All newly licensed peace officers hired by this agency shall initially receive a copy of this policy, and regularly thereafter, as designated by the Training Unit.

(b) All licensed members of this department will attend regular training on the subject of racial profiling designated by the Training Unit.

(c) Members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.

402.5 COMPLAINTS

The Department will maintain complaint form packets at the front desk regarding the complaint process.

The Hopkins Police Department will investigate all complaints of alleged racial/bias based profiling against its members as any other complaint is investigated.

On the commencement of an investigation regarding a complaint in which a video or audio recording was made, the Department may provide a copy of the recording to the officer on written request.

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402.5.1 CORRECTIVE ACTION

Employees found to be in violation of this policy are subject to discipline in accordance with this department's Conduct Policy and shall receive additional training and instruction by the Training Unit except when disciplinary action results in termination.

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Roll Call Training

404.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call. However, officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new General Orders or changes in General Orders.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

404.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call, or the officer if the supervisor is unable to participate in a group briefing session, is responsible for collection and preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Roll Call training materials and a curriculum or summary should be forwarded to the Training Sergeant for inclusion in training records as appropriate.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITIES

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the officer is relieved by a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

406.2.2 EXECUTION OF HEALTH ORDERS

Any licensed member of this department may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Minn. Stat. § 144.4195 Subd. 2).

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406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

406.3.1 CONSENT

Officers should obtain consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

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Special Weapons and Tactics

408.1 PURPOSE AND SCOPE

The Special Weapons and Tactics (SWAT) has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Weapons and Tactics are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 SWAT TEAM DEFINED

SWAT Team - A designated unit of law enforcement officers, including a multi-jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 LEVELS OF CAPABILITY/TRAINING

408.2.1 LEVEL I

Level I SWAT team - Is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5 percent of the basic team's on-duty time should be devoted to training.

408.2.2 LEVEL II

Level II SWAT team - Is an intermediate level team capable of providing containment and intervention. These teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of their on-duty time should be devoted to training, with supplemental training for tactical capabilities above the Level I team.

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408.2.3 LEVEL III

Level III SWAT team - Is an advanced level team whose personnel function as a full-time unit. Generally 25 percent of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

408.3 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or designee.

408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

(i) Specialized functions and supporting resources.

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408.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

    1. All SWAT team members should have an understanding of operational planning.

    2. SWAT team training should consider planning for both spontaneous and planned events.

    3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

    1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action, as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether a warrant should be regarded as high risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post-incident scene management including:

    1. Documentation of the incident.

    2. Transition to investigations and/or other units.

    3. Debriefing after every deployment of the SWAT team.

        (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs and reinforces sound risk management practices.

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(b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

(c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment.

408.4 TRAINING NEEDS ASSESSMENT

The SWAT Team Leader shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

408.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a department-approved SWAT commander or tactical commander course or its equivalent.

408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT commander. The SWAT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.

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(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 90 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 90 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 90-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) SWAT team members will have to qualify with all weapons systems used.

408.4.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

408.4.6 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 UNIFORMS, EQUIPMENT AND FIREARMS

408.5.1 UNIFORMS
SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.5.2 EQUIPMENT
SWAT teams from this department should be adequately equipped to meet the specific mission(s) identified by the Department.

408.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources should be Department-issued or approved, including any modifications, additions or attachments.

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408.5.4 OPERATIONAL READINESS INSPECTION

The commander of the SWAT shall appoint a SWAT Supervisor to perform an operational readiness inspection of all unit equipment on as as needed basis. Discrepancies noted in the inspection will be forwarded to the SWAT commander.

The inspections will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

408.6 MANAGEMENT/SUPERVISION OF SPECIAL WEAPONS AND TACTICS

The commander of the SWAT shall be selected by the Chief of Police upon recommendation of Staff.

408.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Operations Captain, the Special Weapons and Tactics shall be managed by a Sergeant.

408.6.2 TEAM SUPERVISORS

The Crisis Negotiation Team and each SWAT team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by Staff and the SWAT Commander.

The following represent the supervisor responsibilities for the Special Weapons and Tactics.

(a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the SWAT Commander.

(b) The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SWAT Commander.

408.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

408.7.1 SELECTION OF PERSONNEL

Interested licensed personnel who are off probation shall submit a request to the SWAT Team Leader, a copy of which will be forwarded to other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, physical agility test, and a SWAT basic handgun and team evaluation.

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(a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance.
2. Demonstrated good judgment and understanding of the critical role of a SWAT member.
3. Special skills, training or appropriate education as it pertains to this assignment.
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun prepared by the Firearms Sergeant.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to staff by the SWAT Commander for final selection.

408.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

408.8 OPERATIONAL GUIDELINES FOR SPECIAL WEAPONS AND TACTICS

The following procedures serve as guidelines for the operational deployment of the Special Weapons and Tactics. Generally, the SWAT team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the SWAT Commander.

408.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Special Weapons and Tactics should respond. Upon final determination by the Sergeant / OIC, he/she will notify the SWAT Team Leader who will then notify the Commander.

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408.8.2 APPROPRIATE SITUATIONS FOR USE OF SPECIAL WEAPONS AND TACTICS

The following are examples of incidents that may result in the activation of the Special Weapons and Tactics:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages have been taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation where a SWAT response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

408.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Sergeant / OIC. Deployment of the Hopkins Police Department Special Weapons and Tactics in response to requests by other agencies must be authorized by a Captain.

408.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Hopkins Police Department SWAT team shall operate under the policies, procedures and command of the Hopkins Police Department when working in a multi-agency situation.

408.8.5 MOBILIZATION OF SPECIAL WEAPONS AND TACTICS

The on-scene supervisor shall make a request to the Sergeant / OIC for the Special Weapons and Tactics to respond. The Sergeant / OIC shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Sergeant / OIC's office by the SWAT Commander. The Sergeant / OIC will then notify the Operations Captain as soon as practicable.

The Sergeant / OIC should advise the SWAT Commander with as much of the following information as is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

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(e) If the suspect has threatened or attempted suicide.

(f) The location and safe approach to the command post.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The SWAT Commander or supervisor shall then call selected officers to respond.

408.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Weapons and Tactics, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team's actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the SWAT Commander on the situation.

(g) Plan for and stage anticipated resources.

408.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Weapons and Tactics, the Incident Commander shall brief the SWAT Commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the Special Weapons and Tactics. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Special Weapons and Tactics. The Incident Commander and the SWAT Commander or designee shall maintain communications at all times.

408.8.8 COMMUNICATION WITH SPECIAL WEAPONS AND TACTICS PERSONNEL

All of those persons who are non-Special Weapons and Tactics personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should

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interrupt or communicate with SWAT personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team sergeant or designee.

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Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Hopkins Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending or prior legal action against the City or the Department.
- Denial by any supervisor.

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week. The ride-along times are from 10:00 a.m. to 11:00 p.m for a maximum of four hours. Exceptions to this schedule may be made as approved by the Chief of Police, Captain or Sergeant / OIC.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Ride Along Coordinator. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number.

The Ride Along Coordinator will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Sergeant / OIC as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, the Ride Along Coordinator will contact the applicant and advise him/her of the denial.

Nothing precludes officers from having persons known to them ride-along with the officer, as long as the officer seeks prior approval from their supervisor and a ride-along waiver form is completed.

410.2.1 PROGRAM REQUIREMENTS

Civilian will be allowed to ride no more than once every six months. An exception would apply to the following: cadets, Explorers, RSVP, chaplains, Reserves, police applicants and all others with prior approval of the Sergeant / OIC or higher ranking supervisor.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

410.2.2 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Sergeant / OIC. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.3 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ride-along is not an employee of the Hopkins Police Department).

410.3 OFFICER'S RESPONSIBILITIES

The officer shall advise Dispatch that a ride-along is present in the vehicle when going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Sergeant / OIC.

The Ride Along Coordinator is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Ride Along Coordinator with any comments that may be offered by the officer.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home or to the station.

(d) The officer may terminate the ride-along at any time and return the observer to their home or to the station if the ride-along interferes with the performance of any officer's duties.

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(e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(f) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(g) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Minnesota law, the following represents the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form, which, because of its quantity, concentration, or chemical, physical or infectious characteristics may (Minn. Stat. § 116.06 Subd. 11):

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment absent proper training. A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material

(b) Notify the appropriate fire department.

(c) Provide first aid to injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(e) Contact the Minnesota Duty Officer (800-422-0798).

(f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.

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412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an IOD form that shall be forwarded via chain of command to their Captain. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

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Hostages and Barricaded Persons

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

414.2 POLICY

It is the policy of the Hopkins Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATION

A supervisor with probable cause to believe that a person is being unlawfully confined may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a suspect (Minn. Stat. § 609.774).

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414.4 FIRST RESPONDER CONSIDERATION

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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414.5 SUPERVISOR RESPONSIBILITY

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Press Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 SWAT RESPONSE

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

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414.7 REPORTING

Unless otherwise relieved by a supervisor, the initial officer at the scene, officers with pertinent information and all others at the direction of a supervisor are responsible for completion of reports or coordination of reports for the hostage/barricade incident.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Hopkins Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

416.2 POLICY

It is the policy of the Hopkins Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Sergeant / OIC is immediately advised and informed of the details. This will enable the Sergeant / OIC to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Hopkins Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Sergeant / OIC deems appropriate.

416.4.2 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

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If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Hopkins, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Sergeant / OIC is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

416.5.1 ASSISTANCE

The Sergeant / OIC should be notified when police assistance is requested. The Sergeant / OIC will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Sergeant / OIC determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

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2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Sergeant / OIC including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

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416.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

416.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

416.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Sergeant / OIC
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

416.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Sergeant / OIC should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person qualifies under the Minnesota Commitment and Treatment Act for taking the person into custody for admission to a treatment facility pursuant to Minn. Stat. § 253B.05. The detention of a person under Minn. Stat. § 253B.05 does not constitute an arrest. If an officer believes that a person falls within the provisions of Minn. Stat. § 253B.05 and requires admission to a treatment facility, he/she shall transport or arrange transportation for that person to the nearest suitable treatment facility for evaluation.

418.2 AUTHORITY OF AN OFFICER

When any person, because of mental illness, chemical dependency or public intoxication, is likely to harm him/herself or others if allowed his/her liberty, an officer may, upon probable cause, take or cause to be taken, the person to a treatment facility for 72-hour evaluation by facility staff (Minn. Stat. § 253B.05 Subd. 2(b)).

418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing available resources, as time and circumstances reasonably permit. These include:

(a) Any information that might assist in determining the cause and nature of the mental illness or developmental disability.

(b) Conflict resolution and de-escalation techniques.

(c) Language that is appropriate for interacting with a mentally disabled person.

(d) Any community resources that can assist in dealing with a mentally disabled individual.

418.3.1 TRANSPORTATION

When transporting any individual on a Minn. Stat. 253B.05 admission, the handling officer or Dispatch should notify the receiving facility the level of cooperation of the patient and whether any special medical care is needed.

When transporting any individual on a Minn. Stat. 253B.05 admission, and if reasonably practicable, officers should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.05 Subd. 2 (b)).

Violent patients or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. An officer should accompany a violent patient when transported by ambulance. Additionally, transporting violent patients in a patrol unit equipped with a barrier or cage is generally safer with two officers in the vehicle.

The officer will escort the patient into the facility and place that person in a designated treatment room, as directed by a staff member.

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418.3.2 RESTRAINTS

If the officer reasonably believes the patient is violent or potentially violent or that restraints are otherwise appropriate, the officer may apply appropriate restraints to the person. If reasonably practicable, the officer should communicate with facility staff as to whether specific restraints, if available, should be used.

418.3.3 WRITTEN DOCUMENTATION

The officer will complete an application for admission and provide it to the staff member assigned to that patient. The officer will retain a copy of the application for the emergency admission form for inclusion in the case report.

Officers shall provide an application for admission in writing, including the circumstances under which the person's condition was called to the attention of the officer, the circumstances under which the person was taken into custody, and describing probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person may be informed that he/she may be liable in a criminal and/or civil action for intentionally giving a statement which he/she knew to be false.

If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information of those individuals to the extent practicable.

A copy of the statement shall be made available to the person taken into custody (Minn. Stat. § 253B.05 Subd. 2 (a)).

The officer shall also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

418.3.4 SECURING OF WEAPONS

If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When reasonably practicable, any person charged with a crime who also appears to be mentally ill shall be transported to the authorized facility for evaluation. Communication with Hennepin County Jail regarding the suspects status will help in determining if the party needs to be brought to the hospital or jail.

Arrangements should be made to take the person into custody upon release from the hospital. In some cases it may be necessary to post an officer to guard the individual and to ensure that he/she is taken into custody. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

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418.5 SAFEKEEPING OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or taken into custody pursuant to Minn. Stat. § 253B.05 and is found to own, have in his/her possession or under his/her control any firearm whatsoever or any other deadly weapon, the firearm or other deadly weapon shall be taken for safekeeping if so requested by the subject or other person occupying the premises. The firearm or other deadly weapon shall be booked into property.

Officers are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling officer shall further advise the person of the procedure for the return of any firearm or other deadly weapon that has been confiscated.

418.5.1 RETURN OF FIREARMS AND WEAPONS

(a) Whenever the handling officer has cause to believe that the future return of any weapon(s) taken into custody might endanger the person or others, the officer shall detail those facts and circumstances in a report.

(b) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and satisfactory evidence of ownership, or authorization by the owner is established.

(c) A firearm may not be released until it has been verified that the person receiving the weapon, who may or may not be its owner, is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or Minn. Stat. § 624.713 Subd. 1.

(d) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal pursuant to Minn. Stat. 345.15.

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Cite and Release Policy

420.1 PURPOSE AND SCOPE

Minn. R. Crim. P. 6.01 Subd. 1 directs law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Minn. R. Crim. P. 6.01 Subd. 1. Release by citation for misdemeanor offenses can be accomplished by issuing a notice to appear from a citation book or an electronic device.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the City, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with the law.

420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Minn. R. Crim. P. 6.01 Subd. 1 (1) (a)).

Officers may also release subjects who were taken into custody on a citizen's arrest for a misdemeanor offense whenever appropriate.

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420.3.2 JAIL RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Sergeant / OIC approval.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless the person is disqualified for reasons listed below (Minn. R. Crim. P. 6.01 Subd. 1 (1) (b)).

420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Minn. R. Crim. P. 6.01 Subd. 1):

(a) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(b) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted in the report. The Sergeant / OIC will be informed of the reason for non-release.

420.3.4 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in this policy, the reasons will be noted in the report.

(a) Previous failure to appear is on record.

(b) The person lacks ties to the area, such as a residence, job or family.

(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

420.4 JUVENILES ISSUED CITATIONS

Completion of citations for juveniles is generally appropriate for misdemeanor and petty traffic violations, misdemeanor violations and status offenses.

All misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the Investigation Division if necessary for further investigation and diversion or forwarded to the prosecutor.

Misdemeanor traffic offenses: Juveniles will be issued one copy of the citation and advised they will be contacted by the juvenile court with a court date. Gather parent/guardian information and complete a report as well as juvenile "pink."Contact parent/guardian and advise of the misdemeanor arrest.

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Petty Misdemeanor traffic offenses: Juvenile will be issued citation with the same explanation as an adult citation. Officer writes, "juvenile as adult" on citation. Advise the parent or guardian of the citation.

Status offenses: Juvenile is issued juvenile citation and report is completed. If the status offense is a tobacco, alcohol or drug violation, school notification letter must also be sent.

Felony offenses: Arrest juvenile and transport to juvenile detention (if it falls in their parameters). Book at Hopkins Police Department if Juvenile Detention will not take into custody. Report will be "fred" report by investigations.

420.5 REPORTS

Petty Misdemeanor violations such as speeding, parking, etc do not require a narrative report. Misdemeanor citations such as driving after suspension, driving after cancellation, driving after revocation will be documented with a case number but may not need a narrative report. Other misdemeanor offenses, such as shoplifting require a narrative report.

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Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the United States Department of State's (DOS) website, http://www.travel.state.gov.

422.1.1 DEFINITIONS

Foreign National - Is anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently, there are no diplomatic agents permanently assigned to Minnesota but they occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who enjoys a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are currently two permanent consulates in Minnesota, The Canadian Consulate General and the Consulate of Mexico. Honorary consuls include Austria, Belgium, Bolivia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, France, Finland, Germany, Guatemala, Great Britain, Honduras, Iceland, Japan, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Romania, Spain, Sweden, Switzerland and Tanzania.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered and are issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying foreign service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the identification card, foreign service personnel should also have a driver's license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which, in most circumstances, replaces the operator's license issued by the state.

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422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with DOS OFM and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates but may have Minnesota license plates with an "honorary consul" label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "U.S." as the state, if the officer has reason to question the legitimate possession of the license plate.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the notice to appear for later reference. Do not include on the face of the notice to appear.

(c) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.

(d) All other claimants are subject to the provisions of policy and procedures outlined in this chapter.

(e) The violator shall be provided with the appropriate copy of the notice to appear.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim unless restraint is necessary for the protection of the officer or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:

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(a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with DOS. Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Department personnel should use the following numbers in order of preference:

Office of Foreign Missions

Chicago, IL

(312) 353-5762

(0800-1645 CST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Minnesota Consular Corps, local law enforcement agencies, the foreign embassy, or consulate, driver's license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the

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release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving While Impaired (DWI) Arrest - Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued If the violator is either stopped or issued a notice to appear for a violation of Minn. Stat. § 169A.20 Subd. 1, while operating a motor vehicle. The officer shall either complete a notice to appear or a written report documenting the incident.

This department shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this department shall send to the Bureau of Diplomatic Security, Office of Foreign Missions of the DOS a copy of the notice to appear and any collision or other written report documenting the incident. The DOS will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the Department.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license-class box of the Traffic Collision Report. The actual driver's license class shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the collision scene should be handled in accordance with the procedures specified in this policy.

422.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each Traffic Collision Report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the

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violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The Sergeant / OIC/ supervisor apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure the notification of DOS and all necessary follow-up occurs.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship. This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)). If the individual requests such notification, the officer shall contact Dispatch as soon as practicable and request

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the appropriate embassy/consulate be notified. Officers shall provide Dispatch with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention, if it is different from the Department itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Dispatch with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.

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Rapid Response / Active Shooter

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers implement rapid response and deployment to such situations.

424.2 POLICY

The policy of this department in dealing with a crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider the following:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

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Reporting Law Enforcement Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the Hopkins Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, the request will be received through dispatch and shall obtain prior approval from the Sergeant / OIC.

If the request is of an emergency nature, the officer shall notify Dispatch/Sergeant / OIC before responding and thereafter notify a supervisor as soon as practicable.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer who engages in law enforcement activities of any type outside the immediate jurisdiction of the Hopkins shall notify his/her supervisor or the Sergeant / OIC at the earliest possible opportunity.

Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Sergeant / OIC as soon as reasonably practicable.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Sergeant.

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Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for law enforcement action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, USC, dealing with illegal entry. When assisting ICE at its specific request or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, USC. §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of ICE. The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, USC.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

428.3.2 SWEEPS

The Hopkins Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation or arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

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Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (e.g., infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the individual's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor, the person should be taken to the station and given a reasonable opportunity to verify his/her identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original release should be completed without consideration of immigration status.

428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her identity, the officer may take the person into custody on the suspected criminal violation if there is a substantial likelihood that the individual will not show up at a later date (Minn. R. Crim. P. § 6.01).

428.3.6 BOOKING

If there is a substantial likelihood that a person will not show up at a later date or he/she cannot reasonably establish his/her identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail (Minn. R. Crim. P. § 6.01).

428.3.7 DETENTION

A person detained exclusively for a misdemeanor should not be detained beyond 60 minutes for establishing his/her identity. Regardless of the status of the person's identity at the expiration of 60 minutes, he/she should be released on a notice to appear in court for the violation or misdemeanor violation, or be taken into custody as authorized by statute or court rule.

428.3.8 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Whenever an officer has reason to believe that any person arrested for any offense under the Minnesota law or any other felony may not be a citizen of the United States and the individual is not going to be booked into jail, ICE may be notified by the arresting officer so that ICE may consider placing an immigration hold on the individual.

If an officer has an articulable belief that an individual taken into custody for any misdemeanor is an undocumented alien, and after he/she is formally booked there is no intention to transport to the county jail, ICE may be informed by the arresting officer so that ICE may consider placing an immigration hold on the individual.

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In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case including, but not limited to:

(a) Seriousness of the offense

(b) Community safety

(c) Impact on the immigrant community

Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Hopkins Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any persons. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 USC. § 1373 and USC. § 1644).

428.4.1 U-VISA/T-VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigation Sergeant assigned to supervise the handling of any related case. The Investigation Sergeant should do the following:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

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(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing DHS Forms I-918/I-914 can be found on the U.S. DHS website at http://www.uscis.gov/portal/site/uscis.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the certification, if appropriate, in a timely manner.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The City's responsibility ends at the street shut off. Any break or malfunction in the water system from the street shut off to the citizen's residence or business is the customer's responsibility.Public Works can only turn off the valve at the street. The citizen can normally accomplish shutting off the water at the meter in the residence or business.

If a break occurs on the City side, emergency personnel should be called as soon as practicable by a Sergeant / OIC.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, The Hopkins Fire Department and an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Hennepin County Dispatch. There is also a link to a schedule on the Department's Internet home page.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Hopkins contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the Minnesota Department of Transportation (Mn/DOT) and Hennepin County.

430.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Patrol Rifles

432.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Hopkins Police Department will make patrol rifles available to patrol officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION

Patrol Rifle - An authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun.

No personally owned rifles may be carried for patrol duty unless they have prior approval from the Firearms Training Sergeant, the officer has qualified on that weapons system and the Rifle has been examined and approved by Firearms Training Sergeant or designee.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police and issued by the Department, may be used by officers in their law enforcement duties. The authorized patrol rifle issued by the Department is the AR-15.

432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Firearms Training Sergeant or armorer, who shall inspect and service each patrol rifle on a regular basis.

(b) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor, the Firearms Training Sergeant or an armorer.

(c) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable.

(d) Each patrol rifle shall be subject to inspection by a supervisor, the Firearms Training Sergeant or an armorer at any time.

(e) No modification shall be made to any patrol rifle without prior written authorization from the Firearms Training Sergeant.

432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified firearms instructor.

Officers shall thereafter be required to successfully complete a yearly firearms proficiency qualification conducted by a firearms instructor.

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Any officer who fails to qualify or who fails to successfully complete two or more Department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

432.6 DEPLOYMENT OF THE PATROL RIFLE

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

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When appropriate to aid in the dispatch of an animal.

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and Animal Control policy.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

432.9 RIFLE STORAGE

(a) When not in use, patrol rifles will be locked in their designated squad car mounting systems.

(b) Rifles that are out of service shall be stored in the armory.

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Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Hopkins Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry-level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

Field Training Officers will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of three years of patrol experience with this department.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal selection process.

(e) Evaluation by supervisors and current FTOs.

(f) Possess an FTO certificate of completion from a Minnesota POST Board-approved course.

436.2.2 CONTINUED TRAINING

All FTOs must complete POST-approved training that will enhance their skills, while assigned to the position of FTO.

The Field Training Supervisor must complete a POST-approved FTO update course every three years while assigned to the position.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be selected by the Operations Captain or designee.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/trainee performance evaluations are completed.

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(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain communication with FTO coordinators of other agencies.

(h) Maintain communication with FTO's on recruit performance during each training phase.

(i) Develop ongoing training for FTOs.

The FTO Program supervisor will be required to obtain a Field Training Officer Supervisory certificate from a Minnesota POST Board-approved course within one year of appointment to this position.

436.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Hopkins Police Department who possesses a Minnesota POST license or is eligible to be licensed.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Hopkins Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Hopkins Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Completing and submitting a Daily Observation Report (DOR) on the performance of the assigned trainee to the FTO's immediate supervisor on a daily basis.

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(b) Reviewing the DOR's with the trainee each day.

(c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.

(d) Signing off all completed topics contained in the Field Training Manual including task sheets noting the method of learning and evaluating the performance of the assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the DOR's and completed task sheets forward them to the Field Training Supervisor.

436.6.3 FIELD TRAINING SUPERVISOR
The Field Training Supervisor will review and approve the written documentationsubmitted by the FTO through his/her immediate supervisor.

The Field Training Supervisor will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Supervisor will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forward to the Chief of Police for review and approval.

436.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

436.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports DOR's.

(b) Task Sheets.

(c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.

(d) A final report from the Field Training Supervisor indicating the trainee has completed all requirements and a recommendation for solo patrol officer functions.

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Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

438.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Sergeant / OIC or designee will call the MN State Patrol. The Sergeant / OIC / designee will advise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits (Minn. Stat. § 626.8458).

(f) When the Sergeant / OIC or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

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Field Interviews / Photographs

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and frisks, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to an officer at the time of the detention.

440.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MVR) system when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough check of the outer layer of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

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(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

(i) A known reporting party provides information that criminal activity may be afoot.

(j) An anonymous reporting party provides information that criminal activity may be afoot and that information is verified by the officer's observations to a degree that the reasonable suspicion threshold has been reached.

440.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals is encouraged by the Hopkins Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place where the detention was first effected unless the detainee is arrested.

440.3.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

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

1. When reasonably feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable

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cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

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

440.4 FRISKS

A frisk of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a frisk include, but are not limited to, the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

When reasonably possible, frisks should be performed by officers of the same gender as the suspect.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. Consent should be given by the subject verbally or in writing.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that

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reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

440.6 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before taking each photograph. Field photographs shall be classified as law enforcement data under Minn. Stat. 13.82, and shall be collected, maintained and disseminated consistent with the Minnesota Government Data Practices Act.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Sergeant / OIC with a report explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Sergeant / OIC should review and forward the photograph to the Records Unit with the report.

These photographs will be purged as described in this policy.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

440.7.1 PURGING THE FIELD PHOTO FILE

The Support Services Manager will be responsible for ensuring that photographs maintained by the Records Unit that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed unless a longer period of retention is required by the Department records retention schedule.

No record may be destroyed unless done in compliance with this policy unless ordered by a court or pursuant to other applicable statute. Photographs that continue to serve a law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photographs file shall be governed by the Minnesota Government Data Practices Act.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this department during any contact other than an arrest and requests to view non-confidential data shall be shown the

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data immediately if possible, or within 10 days of the date of the oral or written request, excluding Saturdays, Sundays and legal holidays. No charge may be assessed for display of the data, and if desired the person shall be informed of the content and meaning of that data (Minn. Stat. 13.04 Subd. 3). The request to view the photograph/FI data shall be directed to the office of the Chief of Police, Captain or their designee who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or designee will permit the individual to appear in person. Any minor under the age of 10 must be accompanied by a parent or legal guardian for a review of the status of the photograph/FI.

Such a meeting will be scheduled during regular business hours no longer than 10 days of the receipt of the request.

A meeting for the review of the status of any non-arrest photograph/FI is simply an informal opportunity for the individual to meet to review the data.

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Criminal Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal gangs, participants of criminal gangs and patterns of criminal activity.

The intent of this policy is to provide for the collection and management of criminal gang information so as to enhance officer safety and the prosecution of criminal gang participants.

442.2 DEFINITIONS

Definitions related to this policy include:

Criminal gang - An ongoing organization, association or group of three or more persons, whether formal or informal (Minn. Stat. § 609.229; Minn. Stat. § 617.91, Subd. 3), that:

(a) Has, as one of its primary activities, the commission, or makes an attempt to commit, one or more of the following offenses for which mandatory minimum sentences shall be served (Minn. Stat. § 609.11, Subd. 9):

1. Murder (1st, 2nd, or 3rd degree)
2. Assault (1st, 2nd, or 3rd degree)
3. Burglary
4. Kidnapping
5. False Imprisonment
6. Manslaughter (1st or 2nd degree)
7. Robbery
8. Witness tampering (1st degree or aggravated 1st degree)
9. Criminal sexual conduct (1st degree 609.342 sub.1a-f, 2nd degree 609.343 sub.1a-f, 3rd degree 609.344 sub.1a-e and h-j)
10. Escape from custody
11. Arson (1st, 2nd, or 3rd degree)
12. Drive-by shooting (609.66 sub.1e)
13. Harassment and stalking (609.749 sub.3 clause 3)
14. Possession or unlawful use of a firearm (609.165 sub.1b or 624.713 sub.1 clause 2)
15. Controlled substance crime (any felony violation of chapter 152)

(b) Has a common name or common identifying sign or symbol.

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(c) Includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

Gang activity - The commission of one or more of the offenses listed above, 1st or 2nd degree criminal damage to property, criminal trespass or disorderly conduct, or unlawful possession of a firearm by a minor pursuant to Minn. Stat. § 617.91.

442.3 IDENTIFICATION OF CRIMINAL GANGS / PARTICIPANTS

Officers shall be authorized to collect information on individuals who are suspected of participating in a criminal gangs and groups that are suspected of being criminal gangs.

(a) A group of three or more individuals shall be designated a criminal gang when:

1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
4. A designated representative of the prosecutor's office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal gang for the purpose of prosecuting criminal activity.

(b) An individual shall be designated as a participant in a criminal gang and may be included in a gang file, when at least two of the following elements have been verified and a reasonable basis for believing such affiliation has been established. Inclusion shall be approved by a supervisor.

1. An individual admits membership in a criminal gang.
2. A reliable informant or known gang member identifies an individual as a participant in a criminal gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal gang's area, and adopts the gang's style of dress, color of dress, use of jewelry, tattoos, monikers or any other identifiable mannerism associated with that particular criminal gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
5. A person has been arrested in the company of identified criminal gang members for offenses that are consistent with criminal gang activity or criminal gang-related crimes.

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6. An individual is identified as a gang member in a criminal gang document or the individual is depicted in a criminal gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal gang.

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

442.4 CRIMINAL GANG FILE

The Investigations Sergeant or designee may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected street gang participant or a suspected street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a Department-approved criminal gang intelligence database. A temporary file of street gang participants shall include:

(a) Names, aliases, monikers, addresses and other relevant identifying information.

(b) Gang name.

(c) Justification used to identify an individual as a criminal gang participant.

(d) Vehicle(s) known to be used.

(e) Cross references to other identified gangs or gang members.

442.4.1 REVIEW AND PURGING OF TEMPORARY CRIMINAL GANG FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a Department-approved criminal gang intelligence database.

The Investigations Sergeant or designee shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal gang files is the responsibility of the Investigations Sergeant. Retention and purging shall correspond to the organization's records retention schedule requirements.

442.4.2 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases for use by members of the Department. Any such database must be compliant with 28 CFR. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

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It is the Investigations Sergeant's responsibility to determine whether a report or FI contains information that would meet the criteria for entry into a Department-approved intelligence database. After giving written approval for entry of the record, the Investigations Sergeant should forward any such reports/FIs to the Records Unit after appropriate database entries are made. The submitting Investigations Sergeant should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Support Services Manager or designee to retain reports and FIs in compliance with the procedures of the Department-approved gang/intelligence file and 28 CFR. § 23.20. The Support Services Manager or designee may not purge these reports or FIs without the approval of the Investigations Sergeant.

Validation and purging of gang intelligence databases is the responsibility of the Investigations Sergeant.

442.4.3 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the street gang participant's file, such information shall be provided by the unit supervisor unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

Employees must strictly comply with the procedures governing release of information from a Department-approved gang intelligence database.

442.4.4 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION

When the parent or guardian of a juvenile who is documented as a criminal gang member submits a written request challenging the accuracy of the information contained within that file, the Chief of Police or designee shall review the information contained within the file. If, after conducting a review of the information it is determined the information is not accurate, all records shall be destroyed.

442.5 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal gang related shall be documented in a report and shall at minimum include the following:

(a) Description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a street gang.

(b) Photographs taken and a brief description of what is depicted.

(c) Physical evidence observed, collected or booked.

(d) Specific request that a copy of the report be routed to the Investigations Sergeant.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

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442.6 DISSEMINATIONS OF THE FILE INFORMATION

Information from the temporary criminal gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

The release of information from any Department-approved gang intelligence file must comply with the rules established for that particular temporary file or database.

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Sergeant / OICs

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each team.

444.2 DESIGNATION AS ACTING SERGEANT / OIC

Primary Objective:

The primary objective of an Officer In Charge (OIC) position is to delegate the responsibility of supervision to an officer when a sergeant is absent from a shift. This is a temporary classification and may vary in length depending on the needs of staffing, supervision, etc. The OIC shall perform all duties as outlined in the police officer job duty classification and sergeant job classification. In performing the OIC designation, officers shall be delegated the authority and responsibility to supervise and direct the activities of police officers according to department regulations and procedures absent a sergeant. The OIC will receive additional compensation as outlined in the collective bargaining agreement and will be the most senior officer on any given shift, unless they are serving in an FTO capacity during the shift. The OIC may not take any disciplinary action against any employee but will immediately inform the Captain of any misconduct or policy violations.

Duties and Responsibilities:

(a) Shall perform all duties as outlined in the Police Officer Job duty classification.

(b) Shall perform all duties in the Sergeant Job duty classification absent a Sergeant, except the ability to discipline an employee.

(c) May order off-duty personnel to duty, or retain personnel from preceding shifts to accommodate shift requirements or emergencies until additional personnel can respond.

(d) May request mutual aid assistance from other agencies as needed.

(e) All SWAT team recommended call-outs require approval by the Captain.

Position Requirements:

(a) Three years' experience as a patrol officer and completion of OIC training.

(b) Supervisor recommendation.

(c) Performance Evaluation must overall "achieve expectations."

Training:

(a) Must complete the Hopkins Police Department OIC course of instruction.

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Mobile Video Recorder Procedure

446.1 PURPOSE AND SCOPE

The Hopkins Police Department has equipped each marked patrol car with a Mobile Video Recording (MVR) system. The MVR is designed to assist and compliment patrol officers in the performance of their duties. The MVR is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer's report.

446.1.1 DEFINITIONS

Recorded Media - 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.).

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.

Supervisor - As used in this policy refers to licensed peace officers appointed with responsibility to serve as a supervisor.

MVR Technician - Personnel, licensed or civilian, 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.

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.

Activate - Any process that causes the MVR system to transmit or store video or audio data.

Law Enforcement Operator (LEO) - A licensed peace officer, or a non-licensed representative of the Department, who would be authorized and assigned to operate MVR equipped vehicles to the extent consistent with Minn. Stat.169.98.

MGDPA - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

446.2 OFFICER RESPONSIBILITIES

Officers should test the MVR system operation in accordance with manufacturer specifications and consistent with training at the start of each shift. Testing includes:

(a) Remote audio transmitter is functional and has an adequate power source.

(b) Connected to the recording equipment.

(c) The transmitter can remotely activate the system.

(d) The view of all cameras shall be free of obstruction.

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(e) All camera lenses shall be operational.

(f) Camera facing intended direction.

(g) Recording mechanism capturing both audio and video information.

(h) System plays back both audio and video tracks.

System documentation is accomplished by the officer recording his/her badge at the start of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

446.3 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

Law enforcement operators are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

446.3.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation where the system may be used, although there are many situations where the use of the MVR system is appropriate. In addition to the required situations, an officer may activate the system any time the an officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated, if possible, in the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range, which include:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops).
2. Priority responses
3. Vehicular pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Prisoner transports

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9. Non-custody transports
10. Pedestrian checks
11. DWI investigations including field sobriety tests
12. Consensual encounters
13. Crimes in progress
14. Responding to an in-progress call
15. Medical incidents attended to by members of the Department

(b) All self-initiated activity in which an officer would normally notify Dispatch.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:

1. Family violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

(e) Any other circumstances where the officer believes that a recording of an incident would be appropriate.

446.3.2 CESSATION OF RECORDING

Once the MVR system is activated it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if:

(a) The LEO is simply waiting for a tow truck or a family member to arrive or other similar situations.

(b) The incident or event is of such duration that the MVR may be deactivated to conserve recording times.

(c) The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information.

446.3.3 WHEN ACTIVATION NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

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446.3.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including an email to IT to have the MVR repaired.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, Department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate person removes the recorded media. The supervisor should ensure the media is recovered and retained appropriately, often as evidence. Copies may be distributed to investigators as appropriate to the investigation.

446.4 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law.

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 agency MVR technician or forensic media staff. When reasonably 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.

Recordings may be reviewed in any of the following situations.

(a) For use when preparing reports or statements.

(b) By a supervisor investigating a specific act of officer conduct.

(c) By a supervisor to assess officer performance.

(d) To assess proper functioning of MVR systems.

(e) By a Department investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.

(f) By Department personnel who request to review their own recordings.

(g) 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.

(h) By court personnel through proper process or with permission of the Chief of Police or designee.

(i) By media personnel or other third parties consistent with an MGDPA request (Minn. Stat. § 13.01 et seq.).

(j) To assess possible training value.

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(k) Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to Training Sergeant to determine if the training value outweighs the officer's objection for not showing the recording.

Employees desiring to view any MVR recording shall submit a request in writing to the Sergeant / OIC.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

446.5 DOCUMENTING MVR USE

Any incident that was recorded with either the video or audio system shall be documented in the officer's report. If a citation was issued, a notation shall be placed in the citation record in LETG.

446.6 VIDEO MEDIA STORAGE AND INTEGRITY

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for a minimum of 90 days after which time it will be erased, destroyed or recycled.

446.6.1 COPIES OF VIDEO RECORDINGS

A copy of the original video recording will be made upon proper request for any person authorized in this policy.

Original video recording media may only be released in response to a court order or upon approval by the Chief of Police or designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

446.6.2 MVR RECORDINGS AS EVIDENCE

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event, such as a homicide, or as directed by the Sergeant / OIC or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

MVR equipment will be used in the prosecution of those who violate the law and to provide objective information concerning law enforcement/citizen contacts.

(a) Recordings containing data that 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 Department.

(b) When a recording contains evidence for a case that is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Chief of Police or designee.

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446.7 SYSTEM OPERATIONAL STANDARDS

(a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MVR system should be configured to record video prior to an event.

(c) The MVR system may not be configured to record audio data occurring prior to activation.

(d) LEOs 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.

(e) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR system to record audio data.

(f) LEOs shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other approved designee may erase and reissue hard drives and may only do so pursuant to the provisions of this policy.

(g) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

446.8 MVR TECHNICIAN / IT RESPONSIBILITIES

The MVR technician is responsible for the following:

(a) Ordering, issuance, retrieval, storage, degaussing and duplication of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media, and once collected:

    1. Ensure it is stored in a secured location with authorized controlled access.

    2. Make appropriate entries in the chain of custody log.

(c) Degauss of media:

    1. Pursuant to a court order.

    2. In accordance with established retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Ensuring that an adequate supply of recording media is available.

(e) Long-term storage of media deemed to be of evidentiary value in accordance with the Department evidence storage protocols and retention schedule.

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446.9 TRAINING

Users of the MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed with MVR systems in operational settings. This can be accomplished with field training or in service training.

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Mobile Digital Computer Use

448.1 PURPOSE AND SCOPE

The Mobile Digital Computer (MDC) accesses confidential records from the State of Minnesota, Bureau of Criminal Apprehension (BCA) databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

448.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted the MDC system. The officer may also transmit their status over the Department's car to car radio channel.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC.

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448.2.4 EMERGENCY ACTIVATION ON MDC

If the emergency button is depressed on the MDC, the dispatcher will call the officer and ask if the officer is Code 4. If there is no emergency, then the officer should answer "Code 4" and all officers will resume normal activity. If there is no response or the officer answers in some other way, backup officers should respond immediately.

Officers not responding to assist shall refrain from transmitting on the radio until there is a Code 4, unless they are also handling an emergency.

448.3 MDC CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDC

Whenever reasonably possible, officers will not use units with malfunctioning MDCs. Whenever officers must drive a unit in which the MDC is not working, they shall notify Dispatch and the Sergeant / OIC. It shall be responsibility of Dispatch to record all information that will then be transmitted verbally over the police radio.

448.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDCs. Operating the MDC may cause some devices to detonate.

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Use of Audio Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Video Recorder Policy).

450.2 POLICY

The Hopkins Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

Each officer shall be responsible for maintaining his/her own recordings until the media is either deleted or placed into evidence/safekeeping

450.5 ACTIVATION OF THE AUDIO RECORDERS

When possible, members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

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450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Minnesota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order or authorization of the Chief of Police.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Sergeant / OIC. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

450.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

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450.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Records Release and Security Policy or for other authorized legitimate department business purposes.

450.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, and in accordance with the Records Release and Security Policy.

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Bicycle Patrol Unit

454.1 PURPOSE AND SCOPE

The Hopkins Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize its mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the BPU supervisor or the Sergeant / OIC.

454.3 SELECTION OF PERSONNEL

Interested sworn and non-sworn personnel, who are off probation, shall present an application in compliance with the opening/posting to their supervisor. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview with the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

454.3.1 BICYCLE PATROL UNIT SUPERVISOR

The BPU supervisor will be selected by the Operations Captain or designee.

The BPU supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating the performance of bicycle officers.

(e) Coordinating activities with the Operations Division.

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(f) Inspection and documentation no less than every three months that bicycles not in active service are in a serviceable condition.

(g) Other activities as required to maintain the efficient operation of the unit.

454.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

454.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone and jackets in colder weather. Turtleneck shirts are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

454.6 CARE AND USE OF PATROL BICYCLES

Specially marked and equipped patrol bicycles, attached gear bag, a headlight and a flashing rear light will be provided for use by officers. .

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

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Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of Department bicycles(e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, an email should be sent to the BPU supervisor.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

454.7 OFFICER RESPONSIBILITIES

Officers are exempt from operating the bicycle in compliance with Minnesota law while performing their duties (Minn. Stat. § 169.222 Subd. 11). Officers may operate the bicycle without lighting equipment during hours of darkness, when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

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Foot Pursuit Policy

458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

458.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

458.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

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(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

458.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officeris pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officers renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with Dispatch or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

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(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

458.4 RESPONSIBILITIES IN FOOT PURSUITS

458.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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458.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

458.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

458.4.4 DISPATCH RESPONSIBILITIES

Hennepin County Dispatch will handle foot pursuits in accordance with their established policies and procedures.

458.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

  1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

458.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

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Homeless Persons

464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Hopkins Police Department recognizes that members of the homeless community are often in need of special protection and services. The Hopkins Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy when serving the homeless community.

464.1.1 POLICY

It is the policy of the Hopkins Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

464.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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(e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Abuse of Vulnerable Persons Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

464.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor.

464.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a 72-hour emergency medical hold unless facts and circumstances warrant such a detention.

464.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Criminal Conduct on School Buses

466.1 PURPOSE AND SCOPE

Criminal conduct on school buses has been identified by the legislature as a critical component for the safety and security of the community. The primary purpose of this policy is to provide officers guidance in responding to reports of alleged criminal conduct on school buses within this jurisdiction. This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

466.2 COMMUNITY COOPERATION

The Hopkins Police Department shall work with and consult with school officials, transportation personnel, parents and students to respond to these incidents to protect student safety and deal appropriately with those who violate the law.

466.3 PROCEDURE

This department shall respond to all criminal misconduct on school buses within the jurisdiction of this department regardless of the source of the report. Officers should take reasonable actions to complete the following:

(a) Provide for the safety of any person involved in the incident or present at the incident.

(b) Coordinate any appropriate care.

(c) Investigate reports of crimes committed on school buses using the same procedures as followed in other criminal investigations as appropriate for juveniles and/or adults.

(d) Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses to the extent authorized by law.

(e) Submit reports regarding the incident for review, approval and consideration for prosecution.

(f) Complete follow-up and additional investigation as reasonably necessary to prepare a case pertaining to criminal conduct on school buses as required for prosecution.

(g) Provide information to the relevant school regarding the incident as required or authorized by law.

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Medical Aid and Response

467.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

467.2 POLICY

It is the policy of the Hopkins Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

467.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by emergency medical services (EMS) if they have not already been notified.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Blood Borne Pathogens/Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize and secure the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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467.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

467.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour hold in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will call EMS to evaluate on scene and/or require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

467.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact EMS and have the arrestee examined.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal. The Officer should transport the arrestee to the closest hospital for medical evaluation. The officer shall also notify a supervisor of their actions.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

467.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

467.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

467.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

467.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS if they have not been previously notified.

467.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

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467.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

467.9 NALOXONE DEPLOYMENT AND ADMINISTRATION

467.9.1 PURPOSE

To provide direction regarding the management, storage and use of naloxone; by Hopkins Police Department Officers and Employees in accordance with physician protocol, and within the scope of statutory and regulatory requirements. The purpose of naloxone administration by law enforcement and basic emergency response personnel is to reduce the mortality and morbidity associated with opiate overdose.

467.9.2 DEFINITIONS

Naloxone: Naloxone is an opioid antagonist. It binds to chemical receptors in the body; slowing or stopping the effects of opioids (such as heroin, morphine, dilaudid, fentanyl, and other narcotics).

Narcotic Overdose: A narcotic overdose is said to occur when the amount of an opioid used causes unconsciousness and slowed or absent respirations and cardiac function. For the purpose of this policy, the mere use or influence of a narcotic does not constitute overdose.

Intranasal: A method of medication administration where the medication is sprayed into the nose and is absorbed by the mucous membranes in the nose.

467.9.3 STANDARD OPERATING PROCEDURE

(a) **Education**: Those authorized to administer naloxone will complete 4 hours of initial education through Hennepin EMS Emergency and Critical Care Education. This education includes both didactic and practical formats.

    (a) Continuing Education: An additional 1-2 hours of continuing education will be attended every two (2) years.

(b) **Shift Check Out**: The officers will ensure that they have the Naloxone kit at the start of each patrol shift.

    (a) This kit will include two (2) naloxone syringes, with the nasal adapter already attached; and a disposal container.

    (b) Ensure that the medications are not expired. The expiration date is printed on the side of the syringe.

(c) **Narcotic Overdose Response**: In the event of a response to a possible narcotic overdose, the officer will bring the kit to the victim's side and use it in accordance with the physician protocol provided.

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(d) **Documentation**: The Naloxone/Narcan Administration Form will be completed each time the protocol is initiated, regardless of outcome or completion. Forms will be forwarded to the designated Naloxone officer and scanned into the report. The Naloxone officer will forward them to Hennepin EMS Emergency & Critical Care Education (HCMC) for quality review and oversight.

(e) **Disposal**: Used syringes will be disposed of in an appropriate sharps container

(f) **Restock**: Once used, contact the designated Naloxone officer who will make arrangements to replace the used medications.

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Public Recording of Law Enforcement Activity

468.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

468.2 POLICY

The Hopkins Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

468.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

  1. Tampering with a witness or suspect.
  2. Inciting others to violate the law.
  3. Being so close to the activity as to present a clear safety hazard to the officers.
  4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

468.4 OFFICER RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

468.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

468.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

    2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Medical Cannabis

469.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the possession or use of medical cannabis under Minnesota's medical cannabis laws.

469.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 152.22):

Medical cannabis - Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins in the form of a liquid, oil or pill, that is properly packaged and labeled with:

(a) The name and address of the authorized manufacturer.

(b) The patient's registry identification number, name, date of birth and address.

(c) The chemical composition of medical cannabis.

(d) Recommended dosage.

(e) Directions for use.

(f) Batch number.

(g) Date of manufacture.

Raw leaves, flowers and edibles are not included.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 152.22 et seq.

Caregiver - A person who has been approved by the Minnesota Commissioner of Health to assist a patient who is unable to self-administer medication or acquire medical cannabis from a distribution facility due to a disability, and who is authorized to assist the patient with the use of medical cannabis.

469.2 POLICY

It is the policy of the Hopkins Police Department to prioritize resources to avoid making arrests related to medical cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Minnesota medical cannabis laws are intended to provide protection from prosecution to those who use or possess medical cannabis for medical purposes. The Hopkins Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Minnesota law and the resources of the Department.

469.3 INVESTIGATION

Investigations involving the possession or use of cannabis generally fall into one of two categories:

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(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a person claims to be a patient or caregiver.

469.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM
In any investigation involving the possession, delivery, production or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

469.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER
Arrest shall not be made for the possession of medical cannabis by a patient, a caregiver or the parent or legal guardian of a patient (Minn. Stat. § 152.32).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person's status as a patient. The possession of medical cannabis registry verification from the Minnesota Department of Health should also suffice for verification a person's status as a patient or caregiver (Minn. Stat. § 152.22; Minn. Stat. § 152.27).

469.3.3 EXCEPTIONS
This policy does not apply to the following offenses. Officers may take enforcement action if the person (Minn. Stat. § 152.23):

(a) Possesses or engages in the use of medical cannabis on a school bus or van, on the grounds of any preschool or primary or secondary school, in any correctional facility, or on the grounds of any child care facility or home daycare.

(b) Vaporizes medical cannabis on any form of public transportation, where the vapor would be inhaled by a non-patient minor child, or in any public place or a place of employment.

(c) Operates any motor vehicle, aircraft, train or motorboat, or works on transportation property, equipment or facilities while under the influence of medical cannabis.

469.4 FEDERAL LAW ENFORCEMENT
Officers should provide information regarding a medical cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

469.5 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES
The Evidence Room supervisor shall ensure that medical cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Room supervisor shall as soon as practicable return to the person from whom it was seized any medical cannabis, drug paraphernalia or other related property.

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The Evidence Room supervisor may not destroy medical cannabis except upon receipt of a court order.

The Evidence Room supervisor may release medical cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

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First Amendment Assemblies

470.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

470.2 POLICY

The Hopkins Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

470.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officersshould not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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470.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

470.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

470.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

470.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

470.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

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470.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

470.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

470.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Electro-Muscular Disruption Technology (EMDT) devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

470.8 ARRESTS

The Hopkins Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

470.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

470.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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470.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

470.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

470.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Hopkins Police Department. Information provided by the Minnesota Office of Traffic Safety (OTS) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of citations issued by any officer shall not be used when evaluating officer performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

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500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

(d) The court contact information.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction (Minn. Stat. § 169.91 Subd. 3).

500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (Minn. Stat. § 169.91):

(a) Negligent homicide.

(b) Driving under the influence of alcohol/drugs.

(c) Hit-and-run resulting in serious injury or death.

(d) Hit-and-run resulting in damage to any vehicle or property.

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest

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as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plain clothes officer might benefit from being readily identified as an officer.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the duty bag of each officer. Each vest should be stored inside the bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle or in the officer's squad bag.

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Traffic Collision Response And Reporting

502.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

502.2 POLICY

It is the policy of the Hopkins Police Department to respond to traffic collisions and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

502.3 RESPONSE

Officers should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include a Code 3 response if the officer reasonably believes such a response is appropriate.

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this department and there is:

1. A life-threatening injury.
2. A fatality.
3. A Cityvehicle involved.
4. A City official or employee involved.
5. Involvement of an on- or off-duty member of this department.

(b) Is within another jurisdiction and there is:

1. A City of Hopkins vehicle involved.
2. A City of Hopkins official involved.
3. Involvement of an on-duty member of this department.

502.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control

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(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

(f) Clearance and cleanup of the roadway.

502.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify a supervisor, or if unavailable, the Sergeant / OIC. The Sergeant / OIC or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Sergeant / OIC will ensure notifications are made in accordance with the Major Incident Notification Policy.

502.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim's immediate family.

502.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when:

(a) A fatality, any injury (including complaint of pain), impaired driving or hit and run is involved.

(b) An on-duty member of the City of Hopkins is involved.

(c) The collision results in any damage to any City-owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) When one of the persons involved in the accident requests a report be made.

(i) Directed by a supervisor.

502.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic collision occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation involved. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

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If a resident/citizen specifically requests an accident report be filed for a collision on private property, the officer assigned will complete oen as a courtesy even though not required by state law.

502.5.2 INJURED ANIMALS
Department members should refer to the Animal Control Policy when a traffic collision involves the disposition of an injured animal.

502.5.3 CITY VEHICLE INVOLVED
A traffic collision report shall be taken when a City vehicle is involved in a traffic collision that results in property damage or injury.

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Captain. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

502.6 INVESTIGATION
When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

502.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY
The Traffic Sergeant or on-duty Sergeant / OIC should request that the Minnesota Department of Public Safety or other outside law enforcement agency investigate and complete a traffic collision investigation when a life-threatening injury or fatal traffic collision occurs within the jurisdiction of the Hopkins Police Department and involves:

(a) An on- or off-duty member of the Department.

    1. The involved member shall complete the department traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.

(b) An on-or off-duty official or employee of the City of Hopkins.

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Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

502.6.2 COMMERCIAL VEHICLE COLLISIONS

Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):

(a) A fatality.

(b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.

(c) One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 169.783).

502.6.3 ACCIDENT REVIEW BOARD

Purpose:

To evaluate employee accidents involving police vehicles to determine preventability, with the goal of improving the situation, equipment or driver behavior that contributed to the accident.

The Hopkins Police Department will establish a department vehicle Accident Review Board. The Review Board will consist of the traffic sergeant, one patrol officer, and one additional sergeant, both of who will be appointed by the traffic sergeant. In the event the traffic sergeant is not available, two (2) supervisors will rotate in. Each time it becomes necessary for the Review Board to analyze a vehicle accident, one (1) patrol officer will rotate in and serve as a board member. Selection will be assigned by the traffic sergeant on a rotating basis. Probationary officers will not serve on the panel.

Function:

(a) To study motor vehicle accidents in which police vehicles are involved

(b) To male conclusions as to whether the accident was preventable, the extent of contributory negligence, if any, and ways in which the accident could have been prevented.

(c) To make specific suggestions for driver or equipment improvement, if practical and applicable.

(d) Accidents will receive the designation:

1. Preventable
2. Unpreventable

Duties:

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The board will review the accident to determine any and all contributing factors. The board will interview the employee and witness(s) involved, review reports and photographs and visit the accident scene where appropriate. When the board has concluded its investigation of the specific accident and made a determination, it will then review and all past accidents in which the employee has been involved. This review will assist the board in identifying a pattern and should assist with any recommendations. The Review Board will then forward a written report to the Captain and Chief stating its findings and recommendations. The Chief Of Police will review the report and reserves the right to accept, reject or modify the Board's recommendation.

502.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

502.8 REPORTS

Department members shall utilize forms approved by the Minnesota Department of Public Safety as required for the reporting of traffic collisions (Minn. Stat. § 169.09, Subd. 9). All such reports shall be forwarded to the Sergeant for approval and filing.

502.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

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Vehicle Towing and Release Policy

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Hopkins Police Department and under the authority of Minn. Stat. § 168B.035.

510.2 STORAGE AND IMPOUNDS

Vehicles may be towed for violations of Minn. Stat. § 168B.035, including parking, registration and snow emergency violations.

Vehicles may be moved or removed from a highway when in violation of Minn. Stat. § 169.32(a) or when left unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic (Minn. Stat. § 169.33).

The responsibilities of those employees storing or impounding a vehicle are as follows:

510.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Department members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is downloaded to LETG.

If a paper Vehicle Impound and Inventory Report must be used, that Vehicle Impound and Inventory Report shall be placed in the "to be scanned" bin prior to the end of shift.

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, the company contracted by the city will be contacted.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the contracted tow company. The officer will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

510.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

An exception would be moving seized vehicles from the impound yard to the department's storage area.

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510.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call contracted towing company.

510.2.5 STOLEN VEHICLE TOWING

Once it is determined that a vehicle is stolen, the reporting agency should be contacted to determine if the vehicle should be processed for evidence.

After getting direction from the reporting agency, Officers should make every effort to contact the victim/registered owner and advise them of the location of their vehicle (Minn. Stat. § 169.042 Subd. 1).

510.3 TOWING SERVICES

The City of Hopkins periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

510.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee’s vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.

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- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

510.6 PRESERVATION OF EVIDENCE

An officer who removes a vehicle pursuant to Minn. Stat. § 168B.035 is required to take reasonable and necessary steps to preserve evidence. If there is probable cause to believe that a vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or that a particular person has committed a criminal offense, officers shall ensure that all legally required and reasonably necessary efforts are taken to preserve the evidence. Such evidence is to be provided safe storage and preserved until released to the owner or otherwise disposed of according to law.

510.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.7.1 POLICE HOLD ON A TOWED VEHICLE

Whenever an officer has a vehicle towed for evidentiary purposes or for DUI forfeiture, the officer will authorize a "hold" be put on the vehicle so that it will not be released by the towing service before an appropriate investigation has been done. There may be other circumstances under which it would be appropriate to place a hold on a vehicle. Non-evidentiary holds should be approved by a supervisor, and the reason for the hold should be noted on the tow sheet.

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A hold on a vehicle may be released by a supervisor, forfeiture coordinator, the original officer, or by an investigator familiar with the case upon the determination that there is no further reason to retain the vehicle.

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Impaired Driving and Evidence Collection

514.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of vehicle drivers or operators arrested for driving while intoxicated, and unconscious drivers and unconscious pedestrians involved in collisions because of an intoxicated state.

514.2 CHEMICAL TESTING

An officer may require a person to provide a breath sample for a preliminary screening test when the officer has reason to believe the person was driving, operating or in physical control of a motor vehicle while impaired. An officer shall use the results of the preliminary test to decide whether an arrest should be made and to require additional testing (Minn. Stat. § 169A.41).

An officer may direct a person to take a chemical test of that person's blood, breath, or urine (Minn. Stat. § 169A.51 Subd. 1). The test shall be administered at the direction of the officer.

The officer shall order a chemical test if there is probable cause to believe a person was driving, operating or in physical control of a motor vehicle and one or more of the following exist (Minn. Stat. § 169A.51 Subd. 1 (b)):

(a) The person has been lawfully placed under arrest for driving while impaired.

(b) The person has been involved in a motor vehicle collision resulting in property damage, personal injury or death.

(c) The person has refused to take the preliminary breath screening test.

(d) The preliminary breath screening test was administered and indicated an alcohol concentration of 0.08 or more.

(e) The person was driving, operating or in physical control of a commercial motor vehicle with the presence of any alcohol.

514.2.1 IMPLIED CONSENT

At the time the test is given the officer must inform the arrestee that (Minn. Stat. § 169A.51 Subd. 2):

(a) Minnesota law requires that he/she take the test.

(b) Refusal to take the test is a crime.

(c) If he/she was arrested for a violation of vehicular homicide or injury, the test will be taken with or without consent (Minn. Stat. § 169A.52 Subd. 1).

(d) He/she has the right to consult with an attorney unless it would unreasonably delay administration of the test.

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The arresting officer may direct the type of chemical test to be given. The officer may charge a person for failure to take a blood or urine test only if an alternative test was offered (Minn. Stat. § 169A.51 Subd. 3).

514.2.2 SEPARATE CHEMICAL TEST

An officer shall permit a person required to submit to a chemical test to have someone of his/her own choosing administer a separate chemical test (Minn. Stat. § 169A.51 Subd. 7 (b)). The separate chemical test shall:

(a) Be conducted at the place where the person is in custody.

(b) Be conducted after the officer has administered the government-mandated test.

(c) Impose no expense to the state.

514.2.3 REFUSAL TO TEST

It is a crime for any person to refuse to submit to a chemical test of his/her blood, breath or urine (Minn. Stat. § 169A.20 Subd. 2). An officer shall immediately give notice to any person who refuses a chemical test that his/her driving privilege will be revoked. The officer shall (Minn. Stat. § 169A.52 Subd. 7):

(a) Invalidate the person's driver's license or permit card by clipping the upper corner of the card in such a way that no identifying information including the photo is destroyed and immediately return the card to the person.

(b) Issue the person a temporary license effective for only seven days.

(c) Send the notification of this action to the commissioner along with the certification that there was probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while impaired, and that the person refused to submit to a test.

514.2.4 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL

Based on probable cause the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the attending physician objects for medical reasons, the blood or urine samples will be collected in the prescribed manner pursuant to Minn. Stat. § 169A.51 Subd. 7 (a).

514.2.5 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL

Being unconscious or otherwise being incapable of refusing to submit to a chemical test does not negate implied consent. The officer may conduct the test (Minn. Stat. § 169A.51 Subd. 6).

514.2.6 EXIGENT CIRCUMSTANCES DOCTRINE

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual § 514.2.2 and 514.2.3 of this chapter comes within the guidelines of the emergency doctrine.

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514.2.7 COLLECTING BLOOD EVIDENCE

Only a physician, medical technician, emergency medical technician-paramedic, registered nurse, medical technologist, medical laboratory technician, phlebotomist, laboratory assistant or other qualified person acting at the request of a peace officer may withdraw a blood sample (Minn. Stat. § 169A.51 Subd. 7 (a)). A qualified person means medical personnel trained in a licensed hospital or educational institution to withdraw blood (Minn. Stat. § 169A.51 Subd. 7 (d)). Whether such evidence is collected at the Department or the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer.

An officer may direct that a blood test be administered, even after a breath test, if the person refuses an offer to take a urine test and there is probable cause to believe that (Minn. Stat. § 169A.51 Subd. 4):

(a) There is impairment by a controlled substance or a hazardous substance that is not subject to testing by a breath test.

(b) A controlled substance or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body.

514.2.8 FORCED WITHDRAWAL OF BLOOD

Blood may be taken by force if the officer has probable cause to believe the person has violated state criminal vehicular homicide and injury laws (Minn. Stat. § 169A.51 Subd. 2 (3) and Minn. Stat. § 169A.52 Subd. 1). If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by reasonable force used to the extent necessary.

The person designated by the Department shall transport or coordinate delivery of all blood samples to the crime laboratory for analysis in compliance with evidence procedures.

When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, he/she shall not be required to take a blood test.

514.2.9 WITHDRAWAL OF BLOOD BY WARRANT

A search warrant may be sought when a supervisor deems it necessary for the successful prosecution of a DWI/DUI suspect. An officer who believes such a warrant is necessary should inform a supervisor of the circumstances and seek authorization. An affidavit for search warrant will be completed by the testifying officer and signed by the officer/affiant, in the presence of a magistrate unless otherwise allowed.

A blood specimen must be obtained within four hours of the arrest.

The Department has coordinated with judges for 24hour access to obtain a warrant for the withdrawal of blood pursuant to Rule 36 of the Minnesota Rules of Criminal Procedure. The judges will generally accept warrant requests via telephone (oral) or fax.

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(a) To obtain a warrant for a blood withdrawal and to complete service of an issued blood draw warrant by telephone:

1. Complete a Blood Draw Affidavit, Duplicate Original Warrant, and Return. The form used must contain the element that provides for the judge, notary or witness officer to sign.
2. Contact a judge by telephone from the call list determine whether a live signature or a fax procedure is preferred.
3. Upon informing the judge of the purpose for the call a recording shall be made. The judge or, if instructed by the judge the officer, shall begin recording, verbatim, the testimony and communication of all persons making the application for a warrant.
4. All persons party to the warrant application shall identify themselves and shall be placed under oath.
5. If the judge finds it reasonable to dispense with a written warrant and probable cause exists, the judge shall order issuance of the warrant and direct the officer to sign the judge's name upon the duplicate original warrant.
6. The judge will later direct the recording to be transcribed, will verify the accuracy and sign the transcribed record and the original warrant.
7. Upon completion of the warrant service and blood draw, the officer must complete the warrant return to the issuing judge.
8. Only a physician, medical technician, emergency medical technician-paramedic, registered nurse, medical technologist, medical laboratory technician, phlebotomist, laboratory assistant or other qualified person acting at the request of a peace officer may withdraw a blood sample (Minn. Stat. § 169A.51 Subd. 7 (a)).
9. The person drawing the blood must complete and sign the Affidavit of Person Who Withdrew the Blood and ensure that the form is notarized.
10. The Return and Inventory, original Affidavit and attachments, including a recording, if made by an officer must be completed and returned by the officer to the issuing court/judge.
11. A copy of the Search Warrant face sheet and Return Inventory must be placed with the arrestee's property.

(b) To obtain a warrant for a blood withdrawal and to complete service of an issued blood draw warrant by fax:

1. Complete a Blood Draw Affidavit, Warrant, Fax Cover and Return. The form used must contain the element that provides for the judge, notary or witness officer to sign.
2. Ensure that a notary public or another peace officer is present to perform the required role as witness.

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3. Contact a judge by telephone from the call list maintained in Dispatch and determine whether a live signature or a fax procedure is preferred.
4. If the judge agrees to the fax procedure, transmit the completed forms and Fax Cover with the requesting officer's name and voice contact number and return fax number. This must be done so the judge can have the officer swear to the affidavit over the telephone, or if the judge has any questions, he/she can contact the officer.
5. If the judge approves the warrant, the judge retains the signed original and a facsimile will be transmitted back to the requesting officer.
6. Upon completion of the warrant service and blood draw the officer must complete the warrant return and fax the return to the issuing judge.
7. Blood draws may only be performed by a physician, registered professional nurse, qualified technician, chemist, licensed vocational nurse or qualified phlebotomist.
8. The person drawing the blood must complete and sign the Affidavit of Person Who Withdrew the Blood and ensure that the form is notarized.
9. The Return and Inventory, original Affidavit and attachments must be completed and returned by the officer to the issuing court/judge.
10. A copy of the Search Warrant face sheet and Return Inventory must be placed with the arrestee's property.

514.2.10 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test or refuses a blood test and it can be accomplished without undue delay, the arrested person shall first be transported to the jail for booking preparatory to the collection of breath samples. At the jail an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the person's breath.

An officer shall administer a breath test using an infrared or other approved breath-testing instrument. The test must consist of analyses in the following sequence: one adequate breath-sample analysis, one control analysis, and a second, adequate breath-sample analysis pursuant to (Minn. Stat. § 169A.51 Subd. 5).

514.2.11 COLLECTING URINE AS EVIDENCE

If the arrested person chooses a urine test as permitted by law, he/she shall be promptly transported to the jail. The jailer will furnish a urine kit for collecting samples of the arrested person's urine. The officer shall follow the directions listed on the container instruction sheet. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same.

An officer may only direct a person to submit to a urine test if the person is exempted from a blood test due to hemophilia or a heart condition requiring use of anticoagulants as determined by a physician. If they refuse the urine test, Officers should request a breath test.

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The collection kit shall then be marked accordingly with the suspect's name, offense, Department, case number and the name of the witnessing officer.

The collection kit shall then be placed in the evidence refrigerator to await transportation to the crime laboratory.

Urine samples shall be collected and/or witnessed by an officer or employee of the same gender as the suspect.

An officer may direct that a urine test be administered even after a breath test if the person refuses an offer to take a blood test and there is probable cause to believe that (Minn. Stat. § 169A.51 Subd. 4):

(a) There is impairment by a controlled substance or a hazardous substance that is not subject to testing by a breath test.

(b) A controlled substance or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body.

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HIGH RISK VEHICLE STOPS

515.1 PURPOSE AND POLICY

Purpose

To establish a general high risk vehicle stop guideline. To standardize and reduce the risk of injury or death to officers and civilians.

Policy

Whenever possible, officers will wait for a back-up officer before attempting to make a known high risk vehicle stop. When making such a stop, officers will use an organized method, utilizing felony stop techniques. The perception of a high risk vehicle stop will in most cases be determined by the officer directly involved.

515.1.1 PROCEDURE

Prior to the stop:

(a) Advise the dispatcher of your location, the vehicle license number and description, the number of occupants and descriptions, with a request for back-up officers.

(b) Watch for suspicious activity in the vehicle.

(c) Carefully choose a location for the stop that will give you the advantage and minimize the risk to civilian traffic.

(d) Advise the responding back-up units(s) where you intend to make the stop.

Stopping the Vehicle:

(a) Make sure your back-up has arrived.

(b) Advise the first back-up officer(s) to position their vehicle parallel to your vehicle and approximately ten (10) feet to the left when possible. If feasible, assign someone to control civilian traffic. Additional back-up can be deployed to the right of your vehicle, or where most advantageous. Long guns may also be deployed, if the situation requires.

(c) Use your spotlight (even during daylight), red lights, and high beams throughout the stop.

(d) Maintain approximately forty (40) feet between the rear of the suspect vehicle and the front of your squad.

(e) After the suspect vehicle has halted, position your squad and turn your front tires away from the curb to afford a degree of cover and concealment.

(f) Open your door and take up a seated position behind the door post with your handgun in the ready position between the door post and the door. An additional back-up officer may take up a similar position at your passenger door.

(g) Additional back-up officers may take up a similar position at the rear of the back-up vehicle. In any case, Officers should use their vehicles to provide as much cover as possible.

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(h) The officer who initiates the stop will use the PA system to give commands. If PA use is impossible by initiating Officer, a back-up Officer may give the commands. Only **ONE OFFICER** should be giving commands at the stop location.

Removal of Suspects:

(a) Order the driver of the suspect vehicle to turn off the vehicle engine and throw the keys out the window where they can be seen.

(b) Inform the suspect(s) that they are under arrest and that any disregard of police instructions could be interpreted as hostile actions on their part.

(c) Order the suspect(s) to exit from the vehicle, each closing the door after exiting; remove and secure **one suspect at a time** .

(d) Order each suspect to keep their hands raised above their head and slowly turn 360 degrees (while initially facing away from you).

(e) Order each suspect to interlock the fingers behind the head. Order the suspect to walk backwards towards you. Direct the suspect to walk between the driver's side door of your vehicle and your back-up vehicle.

(f) Order each suspect to kneel down and cross their legs at the ankles. A back-up officer will search and secure each suspect after removal from the vehicle.

(g) Whenever possible, suspects will be places in separate squads.

(h) After all visible suspects have been removed, back-up officer(s) will check the suspect vehicle for hidden suspect(s) after the command officer has ordered hidden suspect(s) to exit. **Always assume the vehicle has a hidden suspect.**

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

516.2 RESPONSIBILITIES

Citations will be ordered from Hennepin County at the end of each year by the records bureau. Citations will be stored in the Officer's work room.

516.2.1 DATA COLLECTION

The Records Bureau should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(a) The race or ethnicity of the individual detained.

(b) Whether a search was conducted and, if so, whether the person detained consented to the search.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Any request from a recipient to dismiss a citation shall be referred to the Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Sergeant may recommend dismissal of the traffic/parking citation.

If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

Members of the Department shall provide a report or other verification to the owner of a stolen vehicle that may have received a citation during the time of the theft for the purpose of dismissing the citation (Minn. Stat. § 169.042 Subd. 2).

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Sergeant.

If it is a citation generated through the MDC, a task should be created for records to void the ticket.

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516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Sergeant. The Sergeant shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the Records Bureau for processing.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Minnesota state law and local regulations (Minn. Stat. § 169.04 (a) (1)).

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at two different levels:

(a) Administrative reviews are conducted by the Sergeant, which will review written/documentary data. These requests are informal statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be delivered to the processing agency. The Sergeant has the authority to dismiss the citation.

(b) If the appellant wishes to pursue the matter beyond administrative review, they will be referred to Hennepin County court.

516.7.2 TIME REQUIREMENTS

Administrative by a Sergeant will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for a review by a Sergeant must be made within 21 days of issuance of the notice of parking violation.

(b) Requests for appeal to the District Court must be made within 21 days of the citation being issued.

(c) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

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516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

(a) **MINOR TRAFFIC OFFENSE:** State law defines a "minor traffic offense" as an offense punishable only by a fine of not more than $300 (Stat. § 609.02 Subd. 4a). These offenses are commonly referred to as petty misdemeanors. Examples of such minor traffic offenses would be: routine speeding offenses, failure to obey traffic signal, unreasonable acceleration, etc.

1. **Procedure:** If a juvenile who is at least 16 years of age and not more than 18 years of age is stopped for a minor traffic offense, the juvenile can be issued a traffic citation in the same manner as an adult. No other forms are necessary, but the words "juvenile as adult" should be noted on the bottom portion of the citation and the officer issuing the Citation must, according to statute, make a reasonable effort to notify the parents. (Minn. Stat. § 260B.225 Subd. 3).

2. Any juvenile traffic offender under the age of 16 comes under the jurisdiction of the Juvenile Court. When an officer issues a citation to a juvenile under 16 for a minor traffic offense, the officer must also complete a Juvenile Traffic Violators Offense Report, commonly referred to as a "juvenile pink." In instances requiring a juvenile pink, the violator should be informed that he/she will be contacted by the Juvenile Court as to when he/she must make an appearance for the particular offense.

(b) **MAJOR TRAFFIC OFFENSE:** State law defines a "major traffic offense" as other than a minor traffic offense. These would most commonly be considered misdemeanor or gross misdemeanor offenses. Examples of such violations are: careless driving, open bottle, DUI , DAR , DAS , etc . An officer who has issued a citation for a major traffic offense to a juvenile, regardless of age, must also complete a juvenile pink. The word Juvenile should be noted in LETG and the juvenile should be informed that he/she will be contacted by the Juvenile Court. The court copy of the citation and the original copy of the juvenile pink can be forwarded to the court with all other traffic citations.

(c) **Major Traffic Offenses-Resulting in Custodial Arrests:** In some instances it will be necessary for officers to make a custodial arrest for major traffic violations. Examples of such custodial arrests are: DUI, aggravated violations, gross misdemeanor DUI, etc. In the event of a custodial traffic arrest, the officer will issue a citation to the juvenile for the violation. The officer will also do an Original Investigation Report detailing the circumstances of the arrest.

1. A "juvenile pink' must also be filled out except that a brief synopsis of the offense may be written in the "details" section of the juvenile pink. The officer should then include the notation "see Original Offense Report for details" beneath the synopsis.

2. Upon being released from custody, the juvenile should be given the defendant's copy of the citation. All other copies of the citation, offense reports, juvenile pink, etc.

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should be forwarded to Investigations through normal channels. The Investigations Sergeant will then be responsible for forwarding the citation and accompanying report to the Juvenile Court.

516.8.1 JUVENILE NON-TRAFFIC CITATIONS

Juveniles can be issued citations for non-traffic offenses if the offense is a **STATUS** offense. These are offenses which are crimes for juveniles but would not be a crime for adults. Examples: curfew, truancy, alcohol possession and consumption, etc.

The arresting officer will forward the appropriate offense report and/or juvenile citation to the Investigative Sergeant. When a non-traffic citation is written to a juvenile, a "juvenile blue" must also be filled out and sent to the court with the court copy of the citation. The juvenile blue MUST be filled out completely or it will not be accepted by the court.

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practicable.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

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Abandoned Vehicle Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of Minn. Stat. § 168B.04.

524.1.1 DEFINITION

Pursuant to Minnesota statutes, a vehicle is abandoned if:

(a) The motor vehicle has remained illegally for more than 48 hours on any government-owned or -controlled property, or for more than four hours on that property when properly posted (Minn. Stat. § 168B.011 Subd. 2 (1)).

(b) The motor vehicle has been properly tagged by an officer and abandoned for four hours on any highway (Minn. Stat. § 168B.04, Subd. 2 (b) (1)).

(c) The motor vehicle has been abandoned and located so as to constitute a collision or traffic hazard (Minn. Stat. § 168B.04 Subd. 2 (b) (1)).

(d) The motor vehicle is unattended on private residential property, that is a single-family or duplex, without permission of the property caretaker (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

(e) The motor vehicle can be immediately removed if on private non-residential property if properly posted or after 24 hours if not posted (Minn. Stat. § 168B 04 Subd. 2 (b) (2)).

(f) The motor vehicle remains at a service, repair or maintenance establishment of motor vehicles five days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

Illegally parked vehicles on private property will be tagged and towed by the property owner or representative.

524.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Minnesota abandoned vehicle laws shall be marked and noted via the computer aided dispatch (CAD) system. No case number is required at this time.

A visible chalk, crayon or paint mark should be placed on the rear window or left rear tire tread at the fender level unless the vehicle is missing tires or other vehicle conditions or weather prevent marking.

524.2.1 MARKED VEHICLE FILE

The parking enforcement officer and PSO's shall be responsible for maintaining the location of marked vehicles.

Parking control officers assigned to the Sergeant shall be responsible for the follow-up investigation of all abandonment violations noted on CAD.

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524.2.2 VEHICLE TOWING/STORAGE

Any vehicle in violation shall be towed and stored by the authorized towing service and a vehicle impound report shall be completed by the officer/PSO/Parking enforcement authorizing the towing of the vehicle.

The impound report form shall be submitted to the PSO Office immediately following the towing of the vehicle.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination if a crime has been committed by completing, at a minimum, the following:

1. Obtain an initial statement from any witnesses or complainants.
2. Conduct a cursory examination for possible evidence.

(b) If information indicates a crime has occurred:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) assistance is necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or Sergeant / OIC.
4. Interview all available victims, informants, complainants, witnesses and suspects.
5. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
6. Collect any evidence.
7. Take any appropriate law enforcement action.
8. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

600.3 RECORDING OF CUSTODIAL INTERROGATIONS

Any custodial interrogation of a person who is suspected of having committed a criminal offense should be electronically recorded (audio/video or both as available) in its entirety, including any information or discussion about the person's rights and any waiver of those rights. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

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Officers should also electronically record a custodial interrogation, or any investigative interview, for any offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation supervisor or pursuant to the Department records retention policy after closure of the case file. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes or otherwise authorized or required by law.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

600.4 FOLLOW-UP INVESTIGATIONS

Follow-up investigations on all cases are evaluated and assigned by the Investigation Unit supervisor based upon caseload, case assignment and an evaluation of case solvability factors.

600.4.1 CASE SOLVABILITY FACTORS

Case solvability factors include, but are not limited to, the following:

(a) Reliability of witnesses.

(b) Suspect is named.

(c) Suspect is described.

(d) Suspect's location is known.

(e) Suspect is identified.

(f) Suspect has been previously seen.

(g) Suspect vehicle is described.

(h) Suspect vehicle is identified.

(i) Property is traceable.

(j) *Modus operandi* is significant.

(k) There is usable physical evidence.

(l) There was limited opportunity for anyone other than the suspect to commit the crime.

(m) The case may be solved with reasonable additional investigative effort.

(n) Other factors that are applicable only in exceptional circumstances:

1. The case is of significant importance to the community.
2. There is potential imminent danger to victims or witnesses.

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3. The seriousness of offense.
4. There is a characteristic pattern, frequency or *modus operandi* related to the case.
5. Management decisions to pursue a case regardless of solvability factors.

600.5 MODIFICATION OF CHARGES FILED

In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the prosecuting attorney's office or City Attorney's Office only as authorized by the Investigations Sergeant, Captain or the Chief of Police or designee.

600.6 TRAINING

The Investigation Sergeant shall determine the training needs of Investigators and assign them to attend as deemed appropriate.

600.7 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

A copy of an entire case file should be sent to the appropriate prosecutor's office. However, supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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Sex Crime Victims' Rights

602.1 PURPOSE AND SCOPE

This policy will establish a procedure by which the identity of sex crime victims can remain private and providing the victim information regarding other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim private by providing the victim with Safe at Home Program information listed on the yellow crime victim's rights card (Minn. R. 8290, et seq. and Minn. Stat. § 5B et seq.). A notation should be made within the incident report that the crime victim's rights card was provided to the victim.

The Department shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct (Minn. Stat. § 13.82 Subd. 17 (b) and Minn. Stat. § 611A.021).

602.2.2 OFFICER RESPONSIBILITIES

Officers investigating or receiving a report of an alleged sex offense shall inform the victim of the following: (Minn. Stat. § 611A.02 Subd. 2 (b)):

(a) Victims have the right to apply for reparations.

(b) Victims have the right to request that the Department withhold public access to information that would reveal the victim's identity.

(c) Victims have the right to be informed about the nearest crime victim assistance program or resource.

(d) Victims have the right to be informed of and participate in the prosecution process if an offender is charged, including the right to request restitution.

Officers should present victims with a yellow "Crime Victim Information" card with the case number and the officer's badge number. This card provides all the necessary listed information to the victim.

602.3 MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIMS

Officers investigating or receiving a report of an alleged sex offense that occurred within 96 hours of the offense shall, with the consent of the victim or a person authorized to act on behalf of the victim, request a medical examination of the victim.

If a sexual assault is not reported within 96 hours of the offense, the Department may still request a medical examination of the victim provided consent is given by the victim or a person authorized to act on behalf of the victim.

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Asset Forfeiture Policy

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses and controlled substance offenses (Minn. Stat. § 609.531 to Minn. Stat. § 609.5318).

606.2 POLICY

The Hopkins Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or the due process rights of citizens.

It is the policy of the Hopkins Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned to a task force from an outside law enforcement agency, in which this agency serves as the Fiscal Agent, follow all state and federal laws pertaining to forfeiture.

606.3 DEFINITIONS

The following definitions apply to this policy:

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.

Fiscal Agent - The person designated by the Hopkins Police Department to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the Hopkins Police Department seizes property for forfeiture or when the Hopkins Police Department is acting as the fiscal agent pursuant to a multi agency agreement.

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

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

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

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

Forfeiture Reviewer - The Hopkins Police Department employee assigned by the Hopkins Police Department responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the prosecutor's office.

Property subject to administrative forfeiture - The following property is presumed to be subject to administrative forfeiture under Minnesota Law:

(a) All cash, 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 the distribution of controlled substances.

(b) All conveyance devices containing controlled substances with a retail value of $100 or more if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

(c) All firearms, ammunition and firearm accessories found:

1. In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance.
2. On or in proximity to a person from whom a felony amount of controlled substance is seized.
3. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152 (Minn. Stat. § 609.5314).

Seizure - The act of law enforcement officials taking property, including cash and conveyance devices that have been used in connection with or acquired by illegal activities.

606.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.4.1 PROPERTY SUBJECT TO SEIZURE

The following property is subject to seizure.

(a) The following property may be seized upon review and approval of a supervisor and in coordination with the Forfeiture Reviewer:

1. Controlled substances and associated property as described in Minn. Stat. 609.5311.

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2. Property intended for use to commit or facilitate the commission of a designated offense, as listed in Minn. Stat. § 609.531 Subd. 1(f) and limited by Minn. Stat. § 609.5312.

(b) Property subject to administrative forfeiture may be seized without prior supervisor approval if the item has a retail value of $50,000 or less (Minn. Stat. § 609.5314).

606.4.2 PROPERTY NOT SUBJECT TO SEIZURE
Cash and property that does not meet the prosecuting agency's current minimum forfeiture thresholds should not be seized.

606.4.3 SEIZURE OF PROPERTY TO BE FORFEITED
An officer may seize property subject to forfeiture based on a court order. An officer may also seize property without a court order under any of the following conditions (Minn. Stat. § 609.531 Subd. 4):

(a) The seizure is incident to a lawful arrest or a lawful search.

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.

(c) The officer has probable cause to believe that a delay to obtain a warrant or other process would result in the removal or destruction of the property and that either of the following apply:

1. The property was used or is intended to be used in commission of a felony.

2. The property is dangerous to health or safety.

606.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) If the retail value of the asset to be seized is $50,000 or less, completely and accurately prepare the Notice of Seizure and Intent to Forfeit Property Form (seizure form) and present it to the person from whom the property is to be seized for that person's signature. If the person refuses to sign, the officer shall indicate on the seizure form that the person refused. The seizure form is not used when the value of the seized property exceeds $50,000.

(b) Prepare and provide a receipt for the items seized to the person from whom the property is being seized.

1. If cash or property is seized from more than one person, a separate property inventory receipt must be completed for each person specifying the amount of cash seized. The receipt shall include a detailed description of all property, checks, money orders, traveler's checks or other financial instruments.

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(c) Complete and submit a report within 24 hours of the seizure if practicable. The report must include, at minimum, the following:

1. A description of the items seized
2. The location where the property was turned in or stored
3. The name of the individual who was served with the seizure form
4. The date that the seizure form was served
5. The name of the officer making the seizure
6. Whether the individual signed the seizure form

(d) If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the receipt and seizure form must be given to the individual from whom the property was seized.

(e) When property is seized and no one claims possession of the property, the officer must leave a receipt in the place where the property was found if it is reasonably possible to do so.

(f) The officer will book seized property into the Evidence Room as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture."

(g) Forward the seizure form, and any seized property processing worksheets, property receipts and reports with the report.

(h) Inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

606.5.1 CASH HANDLING

It is the responsibility of the seizing officer to secure and count cash consistent with this policy and the Cash Handling, Security and Management Policy. All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

All forfeitable cash seized will be turned the evidence room as soon as practicable.

Prior to deposit with the Forfeiture Reviewer, officers shall examine all cash seized to determine whether it contains any prerecorded buy funds. Officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer to be returned to the appropriate buy fund account.

606.5.2 JEWELRY/PRECIOUS METALS/PRECIOUS STONES

Officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture Reviewer.

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Officers seizing jewelry, precious metals and/or precious stones shall book those items according to current property and evidence procedures as soon as practicable.

606.5.3 VEHICLES
Any conveyance device seized for forfeiture shall be taken to a secure designated area or to a department-approved impound facility as soon as practicable.

Officers shall inventory the conveyance device and its contents in accordance with the Vehicle Towing and Release Policy. Officers shall also complete applicable report forms and distribute them appropriately. A copy of the vehicle impound report will be scanned and entered into the report.

606.5.4 FIREARMS/AMMUNITION/FIREARM ACCESSORIES
When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the Evidence Room in accordance with the current booking procedures and the Property Procedures Policy.

The Evidence Room shall retain stolen or abandoned firearms that have been seized for 90 days and make an effort to return them to the lawful owner pursuant to Minn. Stat. § 609.5315 Subd. 7.

606.6 MAINTAINING SEIZED PROPERTY
The Evidence Room supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Minn. Stat. § 609.531 Subd. 5).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.7 FORFEITURE REVIEWER
The Chief of Police will appoint a Sergeant as the Forfeiture Reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Forfeiture Reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of Forfeiture Reviewer include the following:

(a) Confer regularly with the prosecuting attorney's office to remain familiar with forfeiture laws, particularly Minn. Stat. § 609.531 to §609.5318 and the forfeiture policies of the prosecuting agency.

(b) Make reasonable efforts to obtain training that includes best practices in pursuing, seizing and tracking forfeitures.

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(c) Ensure responsibilities, including designation of a Fiscal Agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(d) Ensure that a seizure form, property inventory receipt and a forfeited property processing worksheet is available and appropriate for department use. The seizure form will minimally include the following (Minn. Stat. § 609.5314):

1. Space for an itemized list of items seized
2. The location and date of the seizure
3. A place for the name of the individual served with the seizure form
4. The date and signature of the officer conducting the seizure
5. The agency case number
6. A space for the signature of the person from whom property is seized or an appropriate space or check box for the officer to indicate that the person refused to sign
7. At least an original and the pink copy
8. Information in English, Hmong, Somali and Spanish explaining the right to obtain judicial review and the procedure provided by Minnesota Statute 609.5314.

(e) Ensure that officers who may be involved in asset forfeiture receive training in the proper use of the seizure form and the forfeiture process. The training should be developed in consultation with the prosecuting attorney and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins or department directives. The training should be based on this policy and address any relevant statutory changes and court decisions.

(f) Review each asset forfeiture case to ensure the following:

1. Written documentation of the seizure and items seized is present in the case file.
2. Independent review, by the prosecutor, of the circumstances and propriety of the seizure is made in a timely manner.
3. A timely notice of seizure has been given to interest holders of seized property.
4. Property is promptly released to those entitled to its return.

(g) Forward all changes to forfeiture status to any supervisor who initiates a forfeiture case.

(h) Deposit any cash received with the Fiscal Agent.

(i) Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.

(j) Annually review and update this policy and any related policies to reflect current federal and state statutes and case law.

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(k) Prepare a written plan for the Chief of Police to address any extended absence of the Forfeiture Reviewer to ensure that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(l) Ensure the Department disposes of property as provided by law following any forfeiture (Minn. Stat. §609.5315).

(m) Ensure that any forfeited property used in an undercover capacity, or that is sold or added to the department inventory is done so according to Minnesota law.

(n) Ensure that all forfeited property is used or disposed of in a manner consistent with City policy.

(o) Upon completion of any forfeiture process, ensure that no property is retained by the Hopkins Police Department unless the Hopkins Police Department authorizes in writing the retention of the property for official use.

(p) Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures (Minn. Stat. § 609.5315).

(q) Ensure that records of forfeiture are retained for a minimum of six years.

(r) Ensure monthly forfeiture reporting is made to the state auditor in the manner prescribed by the auditor (Minn. Stat. § 609.5315 Subd. 6).

606.8 DISPOSITION OF FORFEITED PROPERTY

Legal disposition may include (Minn. Stat. § 609.5315):

(a) Retention by the Department and/or prosecuting agency.

1. If a forfeited motor vehicle is kept for Department use, the Department will make a reasonable effort to ensure the vehicle is available for use and adaptation by officers who participate in the Department's Drug Abuse Resistance Education program (Minn. Stat. §609.5315).

(b) Destruction.

(c) Sale performed conforming to city policy.

(d) Other disposition pursuant to applicable provisions of Minnesota Statutes.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Hopkins Police Department has given written authorization to retain the property for official use.

Members of this department or persons related to members of this department by blood or marriage are prohibited from purchasing forfeited items sold by this department (Minn. Stat. § 609.5315 Subd. 1(c)).

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606.9 PROPERTY FORFEITED BY SOUTH WEST HENNEPIN DRUG TASK FORCE

Any items seized and forfeited by members of the South West Hennepin Drug Task Force shall be handled in accordance with policy/procedure of that entity.

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Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Hopkins Police Department and the officers using informants it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM

The Investigation Sergeant, FOCUS Sergeant, Drug Task Force supervisor or designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases.

(b) Date of birth.

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.

(e) Current employer(s), position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Places frequented.

(h) Informant's photograph (Current digital photograph / not DVS photograph).

(i) Criminal history check.

(j) Detailed synopsis of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file will be marked as "Unreliable."

(k) Name of officer initiating use of the informant.

(l) Signed informant agreement.

(m) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant and minimize incidents that could be used to question the integrity of investigators or the reliability of the confidential informant.

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Access to the informant files shall be restricted to the Chief of Police, Captain, Investigations Sergeant, FOCUS Sergeant, Drug Task Force Supervisor or their designees.

608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Investigations Sergeant, FOCUS Sergeant or Drug Task Force supervisor. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants is generally discouraged and only allowed with the approval of the Chief of Police or Captain. The use of juvenile informants under the age of 13 years is prohibited. The use of any juvenile informant between the ages of 13 and 17 is only authorized with written consent of the parent or guardian.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition or criminal charge against the juvenile.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the department Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Hopkins Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Hopkins Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees or agents of the Hopkins Police Department and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

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(f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the supervisor.

(g) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the supervisor. While discouraged, Officers may meet informants alone in an occupied public place such as a restaurant, with prior approval from a supervisor. When contacting informants for the purpose of making payments officers shall arrange for the presence of another officer.

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.
- Other factors that may motivate the informant.

The supervisor will discuss the above factors with the Captain and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police or designee.

608.5.2 PAYMENT PROCESS

The disbursement of money shall be handled in accordance with established State, City Policies, Ordinances and protocols.

The Cash Fund is a petty cash fund managed by the Supervisor. These funds shall be maintained in a locked cabinet, desk or drawer in the supervisor's office. This office will be secured whenever it is unoccupied.

To complete the transaction with the confidential informant the case agent shall have the confidential informant sign the payment form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the

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case. The Hopkins Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

A complete written statement of the confidential informant's involvement in the case may be placed in the confidential informant's file. This statement should be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

608.5.3 REPORTING OF PAYMENTS
Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

608.5.4 AUDIT OF PAYMENTS
At least once every year the Chief of Police or designee, shall conduct a thorough audit of all informant funds for accountability and security of the funds. The funds petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

608.5.5 PAYMENTS MADE BY SWDTF AND OFFICERS ASSIGNED
Payments made by members of the South West Drug Task Force (SWDTF), using funds from that office are bound by the policies and procedures of the SWDTF.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process -Any field identification, live lineup or photographic identification.

Field identification / Show Up -A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup -A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION FORM

The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

610.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

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- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Each witness should be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

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(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, it should be scanned into the Department's computer. The original that was presented to the witness, shall be maintained with the case file. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor. This does not include any items purchased with the officer's uniform allowance.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall make an appropriate investigation and direct a memo to the Captain that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
2. A review by staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

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700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or Captain. The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties nor comprising a weapon are excluded from this requirement. The Chief of Police or Captain should review the request and approved or deny the request as appropriate.

700.3.1 DEFINITIONS

Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the Captain that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Finance Department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written memo shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

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700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the Captain.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Department-issued mobile telephones and personal communication devices, and the on-duty use of such devices owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile telephones, Personal Digital Assistants (PDA) and other such wireless two-way communication and/or portable Internet access devices.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

702.2 DEPARTMENT ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD while on-duty subject to the following conditions:

(a) Carrying an individually owned PCD is optional.

(b) The device shall be purchased, used and maintained solely at the employee's expense.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

The use of any PCD, whether personal, Department or a hybrid shared-use funded by both the employee and the Department, shall occur only with the understanding that any and all messages transmitted or received from the start through the conclusion of any work assignment are subject to disclosure to, and review by, the Department, without cause.

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department business except as provided by the factors listed below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impracticable or not feasible. PCDs should not be used to replace regular radio communications.

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(a) A PCD shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is contained within a Department-approved carrier.

(b) A PCD may not be used to conduct personal business while on-duty, except when brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practicable to areas where the communication will not be seen or heard by the public.

(c) The on-duty use of PCDs, including personally owned PCDs, for purposes other than what is specifically permitted within this policy is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to complete the call.

702.2.4 OFFICIAL USE

The use of PCDs may be appropriate in the following situations:

(a) Barricaded suspects.

(b) Hostage situations.

(c) Mobile Command Post.

(d) Catastrophic disasters, such as plane crashes, earthquakes and floods.

(e) Major political/community events.

(f) Investigative stakeouts where regular telephone usage is not practicable.

(g) Emergency contact with outside agency or an outside agency field unit equipped with PCDs.

(h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. An email documenting the problem shall be promptly completed by the employee who becomes aware of the defective condition. The email describing the correction needed, shall be promptly forwarded to the Fleet Management Sergeant for repair.

704.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair. An email will be sent to the Fleet Management Sergeant by the employee.

704.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible. An email will be sent to the Fleet Management Sergeant advising them of this situation. All on coming duty personnel will be made aware of the vehicle being taken out of service.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

- Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:
- Emergency road flares
- 2 sticks yellow crayon or chalk
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 blood borne pathogen kit, including protective gloves

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- 1 sharps container
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook (glove box)
- 1 squad bag containing:
  - PBT
  - AED
  - Camera
  - Digital recorder

704.3.2 UNMARKED VEHICLES

An employee driving an unmarked department vehicle shall ensure that, at minimum, the equipment listed below is present in the vehicle:

- emergency road flares
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket
- 1 blood borne pathogen kit, including protective gloves
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- Squad bag containing:
  - PBT
  - AED
  - Camera
  - Digital recorder
- 1 evidence collection kit
- 1 camera

Exceptions to these requirements include administrative vehicles such as those driven by the Chief of Police, Captain and Investigators.

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704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. All non-public data should be placed in a designated receptacle provided for the shredding of this matter.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Exceptions to this rule are Public Service Officers and Police Reserves. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Reserve Officers or PSO's may operate with lights and siren if they have attended the proper training and have been certified by their supervisor.

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Vehicle Use

706.1 PURPOSE AND SCOPE

The organization utilizes City-owned motor vehicles in a variety of applications operated by Department personnel. To maintain a system of accountability and ensure City-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City-owned" as used in this section also refers to any vehicle leased or rented by the City.

706.2 USE OF VEHICLES

706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on-duty.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Sergeant / OIC of the reasons for use. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, investigators).

706.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.2.4 INVESTIGATION DIVISION VEHICLES

Investigation Division vehicle use is restricted to investigative personnel Monday through Friday from 6:00 a.m. to 6:30 p.m. unless approved by a investigations supervisor.

After-hours use of Investigation Division vehicles, by personnel not assigned to Investigations, shall be approved by the Sergeant / OIC.

706.2.5 AUTHORIZED PASSENGERS

Personnel operating Department-owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

Exceptions include but are not limited to, employees who are required to be on call and available 24 hours a day. Those employees would be allowed to have passengers such as family members and/or friends as passengers due to the on call requirement of their assignment.

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706.2.6 PARKING
City-owned vehicles should be parked in their assigned areas. Employees shall not park privately owned vehicles in any stall assigned to a City-owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.2.7 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 ASSIGNED VEHICLE AGREEMENT
City-owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes.

The vehicle shall only be used for work-related purposes. The Department will provide necessary care/maintenance supplies. Under IRS regulations, personal use of the vehicle may be considered a taxable income to the employee.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.3.1 VEHICLES SUBJECT TO INSPECTION
All City-owned vehicles are subject to inspection and or search at any time by a supervisor. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 SECURITY
Employees may take home City-owned vehicles only with prior approval from their supervisor and shall meet the following criteria:

(a) Off-street parking shall be available at the employee's residence.

(b) Vehicles shall be locked when not attended.

(c) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to the Firearms and Qualification Policy regarding safe storage of firearms at home).

When an employee is on vacation, leave or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

706.4.1 KEYS
All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key and key fob as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

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706.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Hopkins Police Department, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Officers driving city owned vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist when deemed prudent.

706.6 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicle.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

(d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the City maintenance shop.

    1. Vehicles requiring warranty service shall be taken to the nearest authorized dealer by city mechanics or a PSO.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Assigned Vehicle Program manager.

706.7 VEHICLE DAMAGE, ABUSE AND MISUSE

When a City-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction over the incident.

When a collision involves a City vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, another agency should be summoned to handle the investigation.

The employee involved in the collision shall complete an information report. If the employee is incapable, the supervisor shall complete the report.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in the squad damage report and forwarded to the shift sergeant.

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An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

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Cash Handling, Security and Management

710.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and ensure the public trust.

710.2 PETTY CASH FUNDS

Petty cash is maintained and documented through the city's finance department. When needing petty cash, follow their policies/procedures

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Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any organization, large or small, uses available information technology in the fulfillment of its missions.

802.1.1 FCC COMPLIANCE

Hopkins Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS

This organization provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This organization has two-way radio capability providing continuous communication between Dispatch and officers.

802.2.1 COMMUNICATIONS LOG

It shall be the responsibility of Hennepin County dispatch to receive record and dispatch calls in compliance with their policies and procedures.

802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and fellow officers know the status of officers, their locations and the nature of cases.

802.3.1 OFFICER IDENTIFICATION

Identification systems are based upon badge number. When calling Dispatch or another unit, the calling unit should state their call sign followed by the call sign of the unit they are calling, then pause for the called unit to reply.

802.4 COUNTY-OPERATED DISPATCHING OPERATIONS

County-established communications operations established for public safety purposes shall be under the direction of the county sheriff (Minn. Stat. § 373.041 Subd. 1). The county sheriff shall broadcast all law enforcement dispatches and reports which have a reasonable relation to or connection with:

(a) The apprehension of criminals.

(b) The prevention of crime.

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(c) The maintenance of peace and order throughout the area serviced by the broadcasting station or stations.

In compliance with their policies and procedures.

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Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.1.1 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property necessitating custody by the Department. The public service officer/evidence technician reports to the Investigation Sergeant and is responsible for the security of the Evidence Room.

Evidence Room access is restricted to the public service officer/evidence technician(s), Investigation Sergeant and Captain. The public service officer/evidence technician(s) and the Investigation Sergeant shall not loan Evidence Room keys or access cards to anyone and shall maintain keys and access cards in a secure manner.

Any individual entering the Evidence Room other than the public service officer/evidence technician must be accompanied by the public service officer/evidence technician, Investigation Sergeant or Captain and must sign in and out on the logbook giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

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Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04 (a)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

An officer arresting a person for burglary, robbery or a theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in his/her custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item(s).

804.3.1 PROPERTY BOOKING PROCEDURE

Duties of Employee(s) Taking Property into Custody

(a) Place all property obtained in the course of his/her daily shift into the Hopkins Police Property Maintenance system prior to going off duty. In no instance shall an employee store property in a personal locker or other unauthorized location.

(b) Prepare a property inventory report, as well as a property/evidence bag and/or property tag. The officer shall fill out all pertinent information on the evidence bag or tag including:

1. Case number
2. Type of offense
3. Description of evidence
4. Suspect (If applicable)
5. Victim (If applicable)
6. Date, Time and location of Recovery
7. Officer's initials and badge number

(c) Place the property in the temporary property bin. Note the temporary property bin number on the property report. The original property documentation shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.

(d) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

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804.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property record. Drug paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by two copies of the form for the Records Bureau and investigators. The original will be detached and submitted with the case report.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the immediate supervisor or the Sergeant / OIC. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility.

Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The public service officer/evidence technician is responsible for properly destroying any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) **Bodily fluids** such as blood or semen stains shall be air-dried prior to booking. Once they are dry, they should be packaged in a paper bag to discourage the growth of mold/bacteria.

(b) **Bicycles** and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The bicycle should be taken to well 4. If the bicycle is severely damaged and non-functioning, it may be transported to public works and disposed of in the metal recycling dumpster.

(c) **Cash** shall be counted in the presence of at least two Officers and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

(d) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

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804.4 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

1. Only licensed police officers should inventory firearms into the property room. An officer delivering a firearm to the Property Room shall (unless unable to) unload or disable the firearm before placing it in an appropriate box. If unable to put in a box the firearm should be tagged. The firearm serial number shall be recorded on the Property Report and the outside of the container or on the tag holding the firearm. The serial number shall be verified by another officer, prior to sealing the container.
2. If the firearm cannot be unloaded or disabled, because of a malfunction or unfamiliarity with the firearm, the employee shall attach a note to the container or tag describing the malfunction and warning that the firearm has not been unloaded before depositing in the staging area.
3. Make appropriate inquiries through Communications Center NCIC and State computer regarding serialized items to determine if the property is reported stolen and must note the status of the item on the Property report.

(c) Property with more than one known owner

(d) Drug paraphernalia

(e) Fireworks

(f) Contraband

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances in a suitable container available for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the temporary evidence locker, accompanied by a copy of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the results of this test shall be included in the officer's report.

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Controlled substances shall be packaged in an envelope of appropriate size, available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Controlled substances shall not be packaged with other property.

The officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form. After packaging and sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the outside of the package, initialed and dated by the packaging officer.

The GPW will be verified every time the package is checked in or out of the Evidence Room and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the Investigation supervisor.

804.4.3 RIGHT OF REFUSAL

The public service officer/evidence technician has the right to refuse any piece of property that is not properly documented or packaged. Should the public service officer/evidence technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting officer.

804.5 PROPERTY CONTROL

Each time the public service officer/evidence technician receives property or releases property to another person, or moves property within the property room, he/she shall enter this information on the property report.

Officers desiring property for court shall contact the public service officer/evidence technician at least one day prior to the court day.

804.5.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the property report shall be completed to maintain the chain of possession. No property or evidence is to be released (other than found property) without first receiving authorization from a supervisor or investigator.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the public service officer/evidence technician. This request may be filled out any time after booking of the property or evidence.

804.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property report and the request for laboratory analysis.

The public service officer/evidence technician releasing the evidence must complete the required information on the property report. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it

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was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Bureau for filing with the case.

804.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property report, stating the date, time and to whom it was released.

The public service officer/evidence technician shall obtain the signature of the person to whom property was released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property report, indicating date, time and the person who returned the property.

804.5.4 AUTHORITY TO RELEASE PROPERTY

The public service officer/evidence technician shall not release any property without authorization from an appropriate authorized member of the Department. The Investigation Sergeant shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

Property held as evidence for a pending criminal investigation or proceeding shall be retained for a period of time no less than that required pursuant to Minn. Stat. § 628.26.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a public service officer/evidence technician shall, upon the request of the owner:

(a) Provide a list describing the property unless such release would seriously impede an investigation.

(b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property in accordance with the requirements of Minn. Stat. 609.523.

804.5.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be properly documented.

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With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Unless the auction is Internet based, property with an estimated value of $500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

A public service officer/evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

804.5.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the owner (Minn. Stat. § 609.523 Subd. 3). Such property may be released from law enforcement custody when the following are satisfied:

(a) Photographs of the property are filed and retained by the Evidence Room.

(b) Satisfactory proof of ownership of the property is shown by the owner.

(c) The owner shows appropriate picture ID.

(d) A declaration of ownership is signed under penalty of perjury.

(e) The owner signs the property report aknowledging receipt.

804.5.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

804.5.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922.

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The Department shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner (Minn. Stat. § 609.5315 Subd. 7).

At the expiration of such period, the firearm or other deadly weapon shall be **DESTROYED** . Evidence/Property firearms are **NEVER** to be auctioned off to the public or otherwise sold.

Firearms may be converted to law enforcement use. This conversion should be documented on the property sheet with the original case file. Once the firearm's usefulness to the department has passed, it should also be destroyed in compliance with this policy and documented in the original case file.

804.6 UNCLAIMED PROPERTY / DISPOSAL

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with the City of Hopkins Ordinance 305.05 and MN statute 471.195.

http://www.hopkinsmn.com/WebLink8/DocView.aspx?id=78849&dbid=1

804.6.1 EVIDENCE RETENTION FOR ALL CRIMINAL CASES (FELONY/GROSS MISD)

Where the rules allow for prosecutor or law enforcement discretion, the decision whether to dispose of evidence should be guided by the potential future need for the evidence. This may include a need for the evidence in the case of a court-mandated retrial, to exonerate a convicted defendant, or to solve an unsolved crime through technology not currently available. In cases prosecuted by the county attorney's office, requests for early destruction of evidence may be sent by e-mail to ca.policemail@co.hennepin.mn.us. In cases prosecuted by the city attorney's office, the city attorney should be contacted. All transfers or destruction of evidence should be clearly documented, such that the precise disposition of a given item may be readily discovered when needed in the future. Methods of disposing of the evidence should conform to state law and local rules.

Disposition of evidence in cases, which remain uncharged or unsolved

This category also includes cases in which one defendant was acquitted, but another person might be charged, and cases in which an arrest warrant has been issued but the defendant remains at large

(a) **General rule** for homicides, criminal sexual conduct and kidnapping: Retain all evidence indefinitely.

1. In the case of a suspicious death, undetermined cause of death, or missing person suspected dead, retain evidence for at least six years, and do not destroy without the consent of the prosecutor.
2. If the perpetrator is deceased and there is no expectation another person will be charged with the crime, law enforcement may dispose of evidence at its discretion.

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(b) **General rule** for all other criminal cases will be based upon the statute of limitations for the alleged crime committed.

(c) **Early destruction**: Law enforcement may request an earlier disposition of a given item of evidence.

1. The prosecutor's consent is required.
2. Early disposition may be particularly appropriate in the case of bulky items

(d) **Exception**: No early destruction of fingerprint or biological evidence of the perpetrator's identity is permitted.

1. With respect to evidence containing biological material, this exception applies only to the portion of such evidence necessary to obtain a biological sample sufficient for DNA testing.
2. Law enforcement must document when and how the portion was removed from the item of physical evidence.

(e) **Special rule**: Stolen property (non-contraband).

1. At any time, if the owner requests the return of property, law enforcement may photograph the property and return it to the owner with the prosecutor's consent. See Minn. Stat. 609.523.
2. If the investigation is complete and no one is charged, photograph the property and return it to the owner with or without the owner's request.

(f) **Special rule:** Other personal property (non-contraband).

1. If the owner requests the return of the property, photograph and return it to the owner with the prosecutor's consent.

Disposition of evidence in cases in which the defendant was convicted/pled guilty

This category includes cases in which the defendant was found guilty by a judge or jury or entered a guilty plea.

(a) **General rule**: Retain all evidence until the expiration of sentence.

(a) "Expiration" includes the entire pronounced sentence, including conditional release periods.

(b) Evidence may be destroyed upon the defendant's death if it occurs before expiration and there is no expectation another person will be charged with the crime.

(b) **Early destruction**: The law enforcement department may request an earlier disposition for a given item of evidence.

(a) For items that have been admitted in court, the consent of the prosecutor and the district court is required. See Minn. Stat. 590.10 (regarding biological evidence).

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(b) For items never admitted in court, only the prosecutor's consent is required.

(c) Early disposition may be particularly appropriate in the case of bulky items.

(c) **Exception:** No early destruction of fingerprint or biological evidence of the perpetrator's identity is permitted if the identity of the perpetrator was an issue in the case.

(a) Law enforcement may consult with the prosecutor to determine whether identity was an issue.

(b) With respect to evidence containing biological material, this exception applies only to the portion of such evidence necessary to obtain a biological sample sufficient for DNA testing.

(c) Law enforcement must document when and how the portion was removed from the item of physical evidence.

(d) **Special rule:** Stolen property (non-contraband).

(a) At any time, if the owner requests the return of property, law enforcement may photograph the property and return it to the owner with the prosecutor's consent. See Minn. Stat. 609.523

(b) 120 days after sentencing and all appeals, law enforcement should photograph the property and return it to the owner, with or without a request.

(e) **Special rule:** Other personal property (non-contraband).

(a) At any time, if the owner requests the return of the property, law enforcement may photograph the property and return it to the owner with the prosecutor's consent.

Disposition of evidence in cases in which the defendant was acquitted

(a) **General rule:** If there is no expectation another person will be charged with the crime, law enforcement may dispose of the evidence at its discretion with the consent of the prosecutor.

(b) **Special rule** " Stolen property (non-contraband)

1. If the defendant is acquitted and there is no expectation another person will be charged, return stolen property to its owner.

(c) **Special rule** " Other person property (non-contraband).

1. If the defendant is acquitted and there is no expectation another person will be charged, return other personal property to its owner upon the owner's request.

Disposition of evidence in cases, in which the status of the offense or disposition cannot be determined

(a) If the offense is a misdemeanor or petty misdemeanor marijuana offense, and the period of one year has elapsed since the initial time of offense, the evidence seized may be disposed of in accordance with standard policies of this agency for drug disposal.

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(b) Exceptions:

- The evidence is linked to a gross misdemeanor or felony level crime
- The county attorney or city prosecutor requires it to be retained.
- It is determined that the retention is necessary for any other reason.

Disposition of evidence in misdemeanor or petty misdemeanor cases in which the status of the offense or disposition can or cannot be determined

(a) If the offense is a misdemeanor or petty misdemeanor and the disposition can be determined, retain the evidence until expiration of sentence.

  (a) "Expiration" includes the entire pronounced sentence, including conditional release periods.

(b) If the offense is a misdemeanor or petty misdemeanor and the disposition cannot be determined, dispose of evidence after three years from the date of incident in accordance with MN Statute of Limitations 628.26.

(c) **Exceptions:**

  (a) The evidence is linked to a gross misdemeanor or felony level crime.

  (b) The county attorney or city prosecutor requires it to be retained.

  (c) It is determined that the retention is necessary for any other reason.

804.6.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in § 804.8, Minn. Stat. § 345.38 and Minn. Stat. § 345.75).

804.6.3 PROPERTY SEIZURES AND SALES

An Officer may seize and retain any personal property abandoned upon any public way, sidewalk or other public place, or any property entered as evidence in a judicial proceeding following its release by the court (Minn. Stat. § 471.195). After holding the property for a period of at least 60 days, it may be sold at a public auction. The net proceeds of the sale shall be transferred to the general revenue fund of the city, minus the cost of handling, storage or sale.

804.6.4 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Room Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

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(d) Any sexual assault victim

(e) The Investigation Division Supervisor

Biological evidence shall be retained for a minimum period established by law, the Evidence Room Supervisor or the expiration of any sentence imposed related to the evidence (Minn. Stat. § 590.10), whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Evidence Room Supervisor determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

804.7 REPORT OF ABANDONED PROPERTY (MONEY)

The Investigation Unit supervisor shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending July 1 each year and is to be filed before October 31 each year (Minn. Stat. § 345.41).

804.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a Captain who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

(c) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual(s) not associated with the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.

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Records Procedures

806.1 PURPOSE AND SCOPE

The Support Services Manager shall maintain the Department Records Bureau Procedures on a current basis to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Bureau by Records Bureau personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 10-00001 would be the first new case beginning January 1, 2010.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Records Bureau, accessible only to authorized Records Bureau personnel and Command Staff. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Sergeant / OIC.

806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Bureau. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Support Services Manager. All original reports removed from the Records Bureau shall be recorded.

806.3 SUPPORT SERVICES MANAGER TRAINING

The Support Services Manager shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under the Minnesota Government Data Practices Act (MGDPA).

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Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this policy is to develop standards, methodologies and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

808.2 PROCEDURE

Any firearm coming into the possession of the Hopkins Police Department as evidence and found property, where the serial numbers have been removed or obliterated, will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately document the condition of the gun when received. Note the positions and conditions of the various components, such as the safeties, cylinder, magazine, slide and hammer. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, it should be processed before the serial number restoration is attempted. First record/document important aspects, such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed or obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

808.2.3 OFFICER RESPONSIBILITIES

The public service officer/evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime laboratory for restoration.

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808.2.4 DOCUMENTATION

Case reports should be prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received or collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the crime laboratory, a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) will be completed and forwarded to the NTC in Falling Waters, West Virginia, or the data may be entered into the ATF eTrace system.

808.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the ATF's National Integrated Ballistic Information Network (NIBIN), which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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Security and Release of Records and Information

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

This policy does not prevent the Department from making part or all of specific data available to the data subject or the public unless disclosure is expressly prohibited by law or the data is classified as confidential or private, respectively.

810.1.1 DEFINITIONS

Confidential Data on Individuals - Data that is not public by statute or federal law and is inaccessible to the individual who is the subject of that data (Minn. Stat. § 13.02 Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities (Minn. Stat. § 13.85 Subd. 1).

Data on Individuals - All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual (Minn. Stat. § 13.02 Subd. 5).

Government Data - Data collected, created, received, maintained or disseminated by this department regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02 Subd. 7).

Private Data - Data identifying an individual that is only available with the individual's written consent, to the individual, by court order or search warrant or pursuant to a federal or state statute that grants access (Minn. Stat. § 13.02 Subd. 13).

Records Management - The systematic control and management of data throughout the life cycle of the data, including, without limitation, the creation, use, maintenance, retention and ultimate disposition of the data.

810.2 PUBLIC REQUESTS FOR RECORDS

The Department shall comply with Minnesota law regarding the management, retention and disposal of its records (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7). Requests shall be routed through the Records Supervisor or designee.

The Department shall post or have available to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Department and the cost of inspecting or obtaining copies (Minn. Stat. § 13.025).

Data created by the Department shall be subject to inspection and release pursuant to lawful requests consistent with the Minnesota Government Data Practices Act (MGDPA) requirements

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(Minn. Stat. § 13.03, Subd. 1). Public requests for data of this department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access public data of this department by submitting a request for each record sought and paying any associated fees. A person shall be permitted to inspect and copy public government data at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03 Subd. 3).

The Department may not charge or require the requesting person to pay a fee to inspect data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03).

The processing of requests is subject to the following:

(a) The Minnesota Government Data Practices Act Compliance Official or Designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release. The Data Practices Compliance Official or Designee shall inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as reasonably possible. The Data Practices Compliance Official or Designee shall cite the specific statutory section, temporary classification or specific provision of state or federal law on which the determination is based (Minn. Stat. § 13.03 Subd. 3 (f)).

(b) Inspection includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03 Subd. 3 (b)).

(c) For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data (Minn. Stat. § 13.03 Subd. 3 (b)).

(d) The Department shall provide copies of public data upon request (Minn. Stat. § 13.03 Subd. 3(c)).

(e) Government data maintained by this department using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Department is not required to provide the data in an electronic format or program that is different from the format or program in which the data is maintained (Minn. Stat. § 13.03 Subd. 3 (e)).

(f) The Department shall not be required to create records that do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any data.

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(g) Requests by elected officials for records that are not open to public inspection should be referred to the Data Practices Act Compliance Official for a determination as to whether the records will be released.

810.3 REPORT RELEASE RESTRICTIONS

The Department may temporarily withhold response or incident data from public access when a reasonable belief exists that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence. Upon request the Department shall provide a statement that explains the necessity for withholding the information (Minn. Stat. § 13.82 Subd. 14).

Absent a court order or other statutory authority, data shall be made public subject to the following restrictions:

810.3.1 GENERAL CASE AND CRIME REPORTS

Data containing any of the items listed below will not be released to the extent that it may reveal any of the following data. In such cases, reports or records shall be redacted prior to release to protect the not public status of the data. (Minn. Stat. § 13.82 Subd. 17):

(a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept not public, victims who are minors and victims of certain offenses shall not be made public.

(b) **Confidential Information** - Information involving confidential informants, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public when access to the data would reveal the identity of:

1. An undercover law enforcement officer.
2. A victim or alleged victim of criminal sexual conduct.
3. A paid or unpaid informant if the Department reasonably believes revealing the identity would threaten the personal safety of the informant.
4. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller.
5. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness.
6. A mandated reporter.

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(c) **General Information** - Absent statutory exemption to the contrary or other lawful reason to deem data from reports confidential, information from unrestricted agency reports shall be made public upon proper request.

The Department shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals whose information is protected pursuant to Minnesota law.

810.3.2 DISPATCH RECORDS

Dispatch data involving a request for law enforcement services shall be subject to release pursuant to Minn. Stat. § 13.82 Subd. 3. The audio recording of a call placed to the 9-1-1 system requesting law enforcement, fire or medical agency response is not accessible to the public although a written transcript of the call shall be released unless the release of the data would reveal the identity of protected individuals. The party requesting such a transcript may be required to pay the costs of transcription in advance of the work being performed (Minn. Stat. § 13.82 Subd. 6).

810.3.3 RESPONSE OR INCIDENT RECORDS

Response or incident reports created by this department documenting either a response to a call for service or self-initiated actions taken by an officer shall be released to the public unless the release of the data would reveal the identity of protected individuals (Minn. Stat. § 13.82 Subd. 6).

810.3.4 CRIMINAL INVESTIGATION RECORDS

Criminal investigative data involving active cases shall not be released absent a court order unless otherwise authorized by statute (Minn. Stat. § 13.82 Subd. 7). Inactive investigative data shall be released to the public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted (Minn. Stat. § 13.82 Subd. 7).

810.3.5 ARREST REPORTS

Arrest data shall be accessible pursuant to Minn. Stat. § 13.82 Subd. 2. Arrestee data shall be subject to release in the same manner as data contained in other reports as set forth above.

The following data created or collected by this department documenting any actions taken to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be public at all times:

(a) Time, date and place of the action.

(b) Any resistance encountered by the Department.

(c) Any pursuit engaged in by the Department.

(d) Whether any weapons were used by the Department or other individual.

(e) The charge, arrest or search warrants, or other legal basis for the action.

(f) The identities of the agencies, units within the agencies and individual persons taking the action.

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(g) Whether and where the individual is being held in custody or is being incarcerated by the Department.

(h) The date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody.

(i) The date, time and legal basis for any release from custody or incarceration.

(j) The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty.

(k) Whether the Department employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation.

(l) The manner in which the Department received the information that led to the arrest, and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under Minn. Stat. § 13.82 Subd. 17.

(m) Response or incident report number.

(n) Booking photographs.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives, including attorneys, made pursuant to the Minnesota Rules of Criminal Procedure or as discovery in a criminal prosecution, shall be referred to the City Attorney.

State criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals as prescribed by law (Minn. Stat. 13.87).

810.3.6 CORRECTIONS AND DETENTION DATA

Corrections and detention data is private unless the data are summary data or arrest data, or a statute specifically provides a different classification. Corrections and detention data on individuals are classified as private pursuant to Minn. Stat. § 13.02 Subd. 12, to the extent that the release of the data would either disclose medical, psychological, or financial information, or personal information not related to their lawful confinement or detainment, or endanger an individual's life (Minn. Stat. § 13.85 Subd. 2).

Corrections and detention data are confidential, pursuant to Minn. Stat. § 13.02 Subd. 3, to the extent that release of the data would endanger an individual's life, endanger the effectiveness of an investigation authorized by statute, and relating to the enforcement of rules or law, identify a confidential informant or clearly endanger the security of any institution or its population (Minn. Stat. § 13.85 Subd. 3).

Corrections and detention are public data after any presentation to a court, any data made private or confidential by Minn. Stat. § 13.85 shall be public to the extent reflected in court records (Minn. Stat. § 13.85 Subd. 4).

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The responsible authority or its designee of any agency that maintains corrections and detention data may release private or confidential corrections and detention data to any law enforcement agency, if necessary for law enforcement purposes, or to the victim of a criminal act where the data are necessary for the victim to assert the victim's legal right to restitution (Minn. Stat. § 13.85 Subd. 5).

810.3.7 TRAFFIC CRASH REPORTS
Traffic crash reports and related supplemental reports shall be considered not public and subject to release only to other law enforcement agencies, involved individuals and their authorized representatives (Minn. Stat. § 169.09 Subd. 13).

810.3.8 JUVENILE RECORDS
Juvenile records and data shall be maintained, secured and released as required by Minn. Stat. § 260B.171.

810.3.9 PERSONNEL RECORDS
The following personnel data regarding an employee of this department is public data unless the person is currently assigned to undercover operations (Minn. Stat. § 13.43 Subd. 2 Subd. 5):

(a) Name, employee identification number and some aspects of compensation.

(b) Job title, bargaining unit, job description, education and training background and previous work experience.

(c) Date of first and last employment.

(d) Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.

(e) Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this department.

(f) Terms of any agreement settling any dispute arising out of an employment relationship.

(g) Work location, work telephone number, badge number and honors and awards received.

(h) Time sheets or other comparable data only used to account for an employee's work time for payroll purposes, excluding the use of sick or other medical leave or other not public data.

All other personnel data regarding employees of this department are private data and may only be released as authorized by that classification (Minn. Stat. § 13.43 Subd. 4).

810.4 OTHER RECORDS
Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03 Subd. 1).

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The Department may temporarily withhold data classified as public if it is reasonably determined that public access would likely endanger the physical safety of in individual or cause a perpetrator to flee, evade detection or destroy evidence (Minn. Stat. 13.82 Subd. 14).

Any data that was created under the direction or authority of the City Attorney exclusively in anticipation of potential litigation involving this department shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. 13.39).

810.4.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum or discovery request should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS

Any record released pursuant to a Subpoena Duces Tecum shall be certified as a true and correct copy of the record of this department.

810.7 PRIVACY AND SECURITY OF RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure.

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Criminal History Record Information (CHRI)

812.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender data, security of that data and persons authorized to release that data.

812.2 AUTHORITY

This policy is established pursuant to Minn. Stat. § 13.87, which delineates who has access to state Criminal History Record Information (CHRI) and establishes penalties for the improper use of state criminal history records.

812.3 DEFINITIONS

Definitions related to this policy include:

Authorized Recipient - Any person or agency authorized by court order, statute or decisional case law to receive CHRI.

Criminal History Records Information (CHRI) - All data maintained in criminal history records compiled by the Bureau of Criminal Apprehension (BCA), including, but not limited to, fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data (Minn. Stat. § 13.87 Subd. 1).

Criminal Justice Agency - Means a public agency or component thereof that performs a criminal justice activity as its principal function.

Need to Know - Arises when a necessity exists to obtain CHRI in order to execute official responsibilities.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the data.

812.4 AUTHORIZED RECIPIENTS OF CHRI

CHRI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

812.4.1 DATA PRACTICES COMPLIANCE OFFICIAL

The Support Services Manager is the designated Data Practices Compliance Official Designee for the Hopkins Police Department. They are responsible for ensuring compliance with this procedure and with applicable records, security regulations and requirements imposed by federal and state law (Min. Stat. § 13.05 Subd. 13). The Data Practices Compliance Official Designee will resolve specific questions that arise regarding authorized recipients of CHRI.

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812.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Full-time employees of the Records Bureau.

(b) Personnel specifically designated in writing by Captain with the concurrence of the Data Practices Compliance Official Designee

812.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not generally be transmitted by radio, cellular telephone or through computer terminals to field personnel or to vehicles except for official purposes

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law or the policies and orders of both the county's juvenile board and the designated juvenile court regarding the release of juvenile offender records. Juvenile records and information are confidential and may only be disclosed pursuant to state law.

Records regarding juveniles who are, or may be, delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and shall be private data unless ordered released pursuant to an order of the juvenile court or as otherwise provided by state law (Minn. Stat. § 260B171 Subd. 5 and Minn. Stat. § 299C.095).

The Department shall implement procedures that keep juvenile records in a secure place and that comply with the special data retention and other requirements associated with protecting data on juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

Employees of this department shall refer members of the public seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87 Subd. 1 (b)).

812.7 PROTECTION OF CHRI

CHRI shall be stored in such a manner and location as to keep it reasonably secure and protected from unauthorized access.

Direct access to CHRI stored in the Records Bureau shall be restricted to the Records Bureau personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets and rooms outside the Records Bureau shall be restricted to those persons who possess both the right to know and the need to know the information.

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812.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record information is located within the Department. No employee shall be authorized to access to CHRI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CHRI
When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding at such time its destruction is permitted by the organization's records retention schedule.

Each employee shall be responsible for destroying the CHRI documents he/she receives.

812.8 TRAINING PROGRAM
All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Data Practices Compliance Official and consistent with BCA requirements. The Training Unit shall coordinate the course to provide training in the proper use, control and dissemination of CHRI.

812.9 PENALTIES FOR MISUSE OF RECORDS
It is a crime to obtain CHRI criminal history data in an unauthorized manner, to use the data for an unauthorized purpose, or to disclose the data to a person who is not entitled to the data (Minn. Stat. § 13.09).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy.

Employees who obtain, or attempt to obtain, information from the Department files, other than that to which they are entitled in accordance with their official duties, is a violation of the Conduct Policy.

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. Only officers who have been properly trained will seize computers. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

    1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

    2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Log all computer items into the Evidence Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

    1. Where the computer was located and whether it was in operation.

    2. Who was using it at the time.

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3. Who claimed ownership.
4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by a trained digital forensic examiner.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive, floppy disks, compact discs, or any other storage media for evidence relating to investigation or other legal authority for examination.

(c) A listing of the items to search for (e.g., photographs, financial records, E-mail, documents).

(d) A forensic copy of the media will be made, and subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation the contents should be copied to an appropriate form of storage media by a trained digital forensic examiner.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat or humidity such as in a parked vehicle on a hot day.

(e) Use cases designed to protect the media, or other protective packaging, to prevent damage.

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814.4 SEIZING PCDS

Personal communication devices such as cellular telephones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the data cables and charging units. Keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with the following procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken relative to the case will be preserved regardless of quality or composition. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) As soon as reasonably possible, the recording, photo etc. should be downloaded to the Department's computer network.

(b) The PSO's shall make the copies and forward them accordingly.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only Department approved employees are authorized to copy original digital media related to case documentation that is held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

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(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Animal Control

820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Public Service Officers (PSO), Reserves and Hopkins Police Department personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.. For the purpose of this policy any department personnel tasked with animal control duties shall be referred to as an Animal Control Officer (ACO).

820.1.1 TRAINING

PSO's shall successfully complete the required basic and continuing education animal control courses as approved by the Department. This training can be completed by completion of a Department developed field training program.

820.2 PUBLIC SERVICE OFFICER RESPONSIBILITIES

The PSO shall be responsible for enforcing local, state and federal laws relating to animals and for appropriately resolving or referring animal problems as outlined in this policy (Minn. Stat. § 343.20 Subd. 5.

820.3 OFFICER RESPONSIBILITIES

Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation. Due to the hazards of handling animals without proper equipment, responding officers when feasible should obtain proper equipment prior to responding. The following are examples of calls for service that should be handled without delay.

(a) When there is a threat to the public safety.

(b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When an animal is gravely injured.

An officer/PSO may remove, shelter and care for any domesticated animal that is not properly sheltered from cold, heat or inclement weather, or any domesticated animal not properly fed and watered or provided with suitable food and drink, in circumstances that threaten the life of the animal (Minn. Stat. § 343.29 Subs. 1). The domesticated animal may be euthanized following a determination by a doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment (Minn. Stat. § 343.29 Subs. 2).

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Officers shall not enter a facility where farm animals are confined unless they follow a procedure and directive for biosecurity measures identified by the Board of Animal Health (Minn. Stat. § 17.986).

820.3.1 ANIMAL CRUELTY COMPLAINTS

Officers / PSOs shall investigate all reports of animal cruelty and forward the information to the PSO for follow-up, pursuant to Minn. Stat. § 343.12. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an PSO may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

Following a court order, an officer or PSO shall search the place designated in a warrant and conduct an investigation in conjunction with a veterinary doctor (Minn. Stat. § 343.22 Subd. 2).

820.3.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted if reasonably possible (Minn. Stat. § 343.29 Subd. 1). If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the pet hospital, making sure the animal has food, water and bedding.

The animal impound form must be completely filled out and a copy is left at the pet hosiptal and the remaining copies should be placed in the appropriate locations and turned into records without delay. Release of impounded dogs requires a fee be paid. Releases will be handled by the city hall staff.

Once a dog has been taken into custody, all releases should be handled by the City Hall staff and Pet Hospital staff.

820.3.3 ANIMAL BITES TO HUMANS

When responding to an animal bight to human, the Officer or PSO's primary action shall be focuses on the possible criminal elements of the incident and the possibility of rabies exposure.

The Officer / PSO shall determine the current status of the biting animal's rabies vaccination. If the owner of the biting animal can provide proof of current rabies vaccinations the owner may agree to complete a home quarantine outlined in section (A). If the owner is unable or refuses to show current rabies vaccination or refuses the terms of a home impound the biting animal shall be impounded to the department designated shelter facility

If the animal is a stray, every reasonable effort shall be made to capture and impound the animal immediately.

The following actions and enforcement by local animal control and officers are required when an animal bites a human (Minn. R. 1705.1151 and Minn. R. 1705.1152):

(a) If a pet animal bites a human, the pet must be confined and observed for signs suggestive of rabies for 10 days or euthanized and tested for rabies. If at any time during the 10-day

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observation the animal dies, it must be tested for rabies. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies.

(b) Stray or unwanted pet animals may be euthanized after a five-day holding period and, if euthanized, must be tested for rabies. If, after consultation with a board or public health official, a veterinarian requests a rabies test in writing, a stray or unwanted animal must be euthanized and tested during the five-day period.

(c) If a farm animal bites a human, it must be evaluated on an individual basis by a veterinarian. If it is normal, it may be confined for 14 days. If it exhibits unusual behavior, it must be euthanized and tested for rabies.

(d) If a wild animal, domesticated wild animal or hybrid animal bites a human, the wild animal, if available, must be euthanized and tested for rabies. Domesticated wild or hybrid animals must be euthanized and tested for rabies, except that the animal may be exempted from testing if a veterinarian determines that the animal shows no signs of rabies, if the local authority, the state public health veterinarian, and the executive director of the Board of Animal Health agree, and the person bitten receives the post-exposure vaccination regimen. An exempt animal must be quarantined until completion of the post-exposure vaccination regimen.

(e) A lagomorph, small rodent or insectivore that has bitten a human should not be tested unless recommended by the Board of Animal Health or the Minnesota Department of Health.

820.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the PSO as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of problem. Officers will also document any actions taken, citation(s) issued and related report numbers.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the PSO may be called to handle. If the PSO is unavailable, Patrol Officers shall handle the call using the appropriate equipment available at the police department.

All requests to call in the PSO must be approved by a field supervisor or the Sergeant / OIC.

820.4 DECEASED ANIMALS

Deceased animals on public property will be removed and transported to an appropriate disposal faciility. Officers will remove deceased animals when the PSO is not on-duty.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to transporting them.

(b) Neither the PSO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

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820.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to the Hopkins Pet Hospital.

(a) During normal business hours, the animal should be taken to the Hopkins Pet Hospital.

(b) If after normal business hours, contact the Sergeant or OIC for instructions.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

(d) When it is necessary to kill a seriously injured or dangerous animal the decision to kill a wild animal shall rest with the officer assigned to the call after consulting with the Sergeant / OIC when practical. Any decision to kill a domesticated animal rests with the Sergeant / OIC when practical. In either case if the animal is to be destroyed by firearm, the officer shall notify the Sergeant / OIC that they will be discharging a firearm for the purpose of destroying the animal.

(e) When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released. If the PSO is off-duty, the information will be forwarded for follow-up.

820.6 CITATIONS

It should be at the discretion of the handling officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

820.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted with the owner's consent to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified. The animal shall be placed under the care of the appropriate shelter facility.

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Jeanne Clery Campus Security Act

822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

822.2 POLICY

The Hopkins Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092 (f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Hopkins Police Department facility. Reports will be accepted anonymously, by phone or via e-mail or on the institution's website.

It is the policy of the Hopkins Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Hopkins Police Department staff and faculty of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

(a) Ensure that the Hopkins Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092 (f)(1)(J)(i) and (iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092 (f)(1)(C)(ii)).
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092 (f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092 (f)(1)(J)).
4. Notify the Hopkins Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)).

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5. Notify the Hopkins Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes (20 USC § 1092 (f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092 (f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092 (f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape and other sex offenses, and what to do if a sex offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092 (f)(8)(B)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

822.4 RECORDS COLLECTION AND RETENTION

The Support Services Manager is responsible for maintaining Hopkins Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092 (f)(1)(F)(i)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson

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9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092 (f)(1)(F)(ii)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092 (f)(7) and 34 CFR 668.46 (c)(7)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092 (f)(12) and 34 CFR 668.46 (c)(4)):

1. On campus
2. In or on a non-campus building or property
3. On public property
4. In dormitories or other on-campus, residential, student facilities

(d) Statistics will be included by the calendar year in which the crime was reported to the Hopkins Police Department (34 CFR 668.46(c)(2)).

(e) Statistics will include the three most recent calendar years (20 USC § 1092 (f)(1)(F); 34 CFR 668.46(c)).

(f) The statistics shall not identify by name victims of crimes or persons accused of crimes (20 USC § 1092 (f)(7)).

822.4.1 CRIME LOG

The Support Services Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092 (f)(4) and 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the Hopkins Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60

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days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

822.5 INFORMATION DISSEMINATION

It is the responsibility of the Support Services Manager to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092 (f)(3); 34 CFR 668.46(e) and (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes.

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092 (f)(1); 34 CFR 668.46 (b)). This report will include, but is not limited to, the following:

1. Crime statistics
2. Crime and emergency reporting procedures
3. Policies concerning security of and access to campus facilities
4. Crime and sexual assault prevention programs
5. Enforcement policies related to alcohol and illegal drugs
6. Locations where the campus community can obtain information about registered sex offenders
7. Emergency response and evacuation procedures
8. Missing student notification procedures

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Chapter 9 - Custody

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Temporary Holding Facility

900.1 PURPOSE AND SCOPE

PURPOSE:

To establish procedures relative to the operation of the holding facility, consistent with department rules and those promulgated by the Minnesota Department of Corrections. (Minnesota Rules, Chapter 2945)

The Department shall maintain custody of inmates in accordance with this policy and in accordance with applicable law.

APPLICATION:

(a) **Length of Prisoner Holding** - The Hopkins Police Holding Facility is classified by the Minnesota Department of Corrections as a "Municipal Holding Facility," and is allowed by classification to detain prisoners **up to 16 hours** .

(b) **Types of Prisoners** - Adult male and female prisoners may be detained in the facility. Juvenile male and female prisoners charged with an act of delinquency age fourteen (14) or over may be held in the facility. Juveniles under age 14 and juveniles charged with status offenses only may not be held in a jail cell but may be held in the secure interview room. **Under no circumstance can a juvenile be held within the holding area of the Hopkins holding facility more than six (6) hours.**

(c) Persons reported as escaped from mental institutions or A.W.O.L. may be held until arrangements can be made for their return transportation but no more than 16 hours. Military A.W.O.L. personnel require proper authorization for holding from Military Police Authority or the Federal Protection Agency.

(d) **Separation of Prisoners** - Male prisoners must be kept separate and visually blocked from female prisoners - juvenile prisoners must be kept separate by sight and sound from adult prisoners. The greatest separation possible should be maintained between the cells housing adults and juveniles. Persons suspected of suffering from mental illness must be kept separate from all other prisoners. Any prisoner suspected of having a contagious disease shall be kept separate from other prisoners. The latter two classifications should be transferred to Hennepin County if prolonged detention is required.

900.1.1 BOOKING PROCESS/ADMISSIONS

(a) Prior to entering the holding facility, officers shall deposit all firearms and knives into the weapons locker.

(b) Vehicles parked in the sally port should be locked and removed from the sally port as soon as possible. Prisoners should exit the vehicle on the side of the nearest the booking area.

(c) Prisoners will be thoroughly searched while in the Booking area to include scanning with a metal detector.

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1. **Body Search:** Prisoners will not be subject to a complete body search (total disrobing, non-body cavity) without first obtaining the approval of the shift supervisor. The decision to perform a body search should be based on probable cause and consider factors of the officer's or another's safety, evidence, and/or contraband being concealed.

2. **Strip Search:** Prisoners will not be subjected to strip search (body cavity inspection) unless sufficient probable cause exists to suspect that contraband has been secreted in a body cavity. If such a search is warranted, a search warrant should first be obtained. Upon granting of the search warrant, the search should be conducted by appropriate medical personnel.

(d) Purses, wallets, belts, jewelry, necklaces, contents of all pockets, and any other property which could be used to mark, mar or injure persons or property, shall be taken from the prisoner. The property shall be inventoried on the booking form. Prisoner property shall be bagged and placed in a Booking locker/basket. **EXCEPTION:** Prisoners with disabilities requiring the use of a body functioning device such as a seeing cane, should be permitted to retain such device while in the cell unless circumstances indicate that doing so would place the prisoner or others in danger. If a body functioning device is secured from a prisoner, the prisoner must be informed of the reason and all actions documented in writing by the arresting officer.

(e) **Temporary Mental Holds** - A person who has been apprehended as an escapee from a mental institution shall be placed in a cell alone while awaiting transfer back to the hospital.

(f) **Military A.W.O.L.** - Acceptance of a military person into the holding facility, who is charged only with A.W.O.L., is contingent upon one of the following factors being present:

1. Existing warrant authorizing the person's apprehension as an A.W.O.L.

2. Authority of a switch message, identifying the branch of military service and the person authorizing the apprehension.

3. The individual apprehended is listed as A.W.O.L. in the State or NCIC computer.

(g) While the prisoner is out of the holding cell, there should be an officer in the Detention Area and, when possible, a second person present or monitoring the Detention area.

(h) **Instruments of Restraint** – Instruments of restraint, such as handcuffs, chains, irons, and straitjackets must not be used as punishment. Instruments of restraint must not be used except in the following circumstances:

1. As a precaution against escape during a transfer.

2. On medical grounds by direction of a consulting or attending physician or licensed psychologist; or

3. By order of the facility administrator or person in charge in order to prevent a prisoner from injuring himself or herself, others, or from damaging

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900.1.2 ADULT PRISONER RELEASE/TRANSFER - FELONY CHARGE

(a) An adult prisoner arrested on a felony charge without a warrant, may be held in the Hopkins Police holding facility for investigative purposes up **sixteen hours** . At the conclusion of the sixteen hours, the prisoner must be released by one of the following methods:

1. Released pending further investigation and formal charging
2. Transfer to another criminal justice agency / Hennepin Jail for continued investigation
3. No charges filed

(b) Only a police supervisor (Sergeant/OIC) can order the release of a person arrested for a felony without a warrant.

(c) An adult arrested on the authority of a felony warrant will be transferred to Hennepin County Jail.

(d) When a person is transferred to Hennepin County Jail on a felony charge without a warrant, a Hennepin County Authority to Detain form, 36/48 hour hold, PC statement, Victim notification forms shall be completed on the arrestee as applicable. In the charge section, only the applicable felony charges and outstanding warrants shall appear. Any new gross misdemeanor or misdemeanor charges will be charged later by formal complaint. Anytime a person is held in the Hopkins holding facility, the reasons for detaining shall also be indicated on the booking sheet.

(e) When a person is arrested on the authority of a felony warrant, new gross misdemeanor or misdemeanor charges may appear on the Authority to Detain form in conjunction with the warrant.

900.1.3 ADULT PRISONER RELEASE TRANSFER/GROSS MISDEMEANOR CHARGE

(a) Gross misdemeanor violations, like felonies, may be charged by formal complaint. (See Section C)

(b) A prisoner may be transferred to the Hennepin County Jail if deemed necessary. If the prisoner is transferred, a Hennepin County Authority to Detain form shall be completed depicting only the gross misdemeanor violations when that is the most serious charge sought. Additionally, any outstanding warrants may be added.

(c) Those persons charged with gross misdemeanor DWI or aggravated violations can be released pending formal complaint or sent to Hennepin Jail for in-custody charging.

(d) Except as provided in Section C, only a police supervisor (Sergeant/OIC), can order the release of a person arrested on a gross misdemeanor without a warrant. When so ordered, the person shall be released pending formal complaint.

(e) A person charged with a gross misdemeanor who is intoxicated, may be released to a responsible adult or detox center when circumstances permit admittance to a detox center,

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and continued detention is not necessary. If released to a responsible adult, the accepting adult must sign the Hopkins Police Department Intoxicated Persons Release Form.

900.1.4 ADULT PRISONER RELEASE/TRANSFER-MISDEMEANOR CHARGE

(a) Minnesota Court Rules mandate that a person arrested for a misdemeanor without a warrant shall be released on a promise to appear unless it reasonably appears that continued detention is necessary:

1. To prevent bodily harm to the accused or another
2. To prevent the accused from further criminal conduct
3. Because there is a substantial likelihood that the accused will fail to respond to the promise to appear.

(b) After a person has been booked in the Hopkins Police holding facility, he/she shall be released if none of the above criteria for continued detention is present. If continued detention is indicated, the individual shall be eligible for release upon posting the prescribed bail from the Hennepin County Court schedule. If a person required to post bail cannot produce the necessary amount in cash or bail bond, then he/she shall be held for court appearance. The person shall be transported to court at the soonest available arraignment time.

(c) **Release, No Bail Required (NBR)** Completion of the Hennepin County Release-Receipt form is required. The person making the release must advise the person of their rights as indicated on the release form and secure the person's signature on the form. The released person shall be issued a court date. Persons unwilling to sign a NBR release will be transferred to the Hennepin County Jail with an Authority to Detain form and completed arrest reports.

(d) **Release on Bail** The same procedure as with NBR release applies. Bail amount for the offense(s) charged will be taken from the posted Hennepin County schedule. Bail may be taken in the form of cash or a bond.

(e) **Domestic Assault** A person charged with domestic assault is eligible for release only under the conditions outlined in Minnesota Statute Section 629.72 and Domestic Abuse Direction # 333.00.

(f) **D.W.I.** A person charged with DWI and eligible for an NBR release may be placed into a detox facility if conditions for detox admission are present. They may also be released to a sober party in conjunction with the Intoxicated persons release form.

(g) **Warrant** A person arrested on a misdemeanor warrant may be released based upon the terms and conditions of the warrant. If bail is stipulated, only cash or a bond shall be accepted and a court date set as with any other misdemeanor.

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(h) **Mental Absentees/Escapees/AWOL** Persons detained that are discovered to be AWOL or escapees from a mental institution shall be returned to the appropriate facility by arranging transportation with the facility from which the person absented.

(i) **Release of Military Personnel** Persons currently on active duty in the military service not charged with being AWOL shall be processed in the same manner as civilians.

(j) **Military AWOL Release** A person that has been apprehended as A.W.O.L. from the military shall be turned over to the Federal Protection Agency or, when personnel from the Federal Protection Agency are unavailable, the person A.W.O.L. shall be booked in county jail as directed by the Federal Protection Agency.

(k) **Property Return** Upon release, all personal property taken from the prisoner at admission, and not considered evidence or contraband, shall be returned. The person released will be required to sign the booking form acknowledging return of the property. When the person refuses to sign, the releasing officer shall write with a witness present "Refused" on the booking form and initial it, along with the witness. Any unclaimed property remaining in the holding facility after the prisoner is released will be properly inventoried under the original case number and transferred to the Property room.

900.1.5 JUVENILE RELEASE

A juvenile may be transferred to the Hennepin County Juvenile Detention Center (HCJDC) for continued detention when circumstances exist that would convince the HCJDC Intake to accept the juvenile. Normally those circumstances involve serious felony crimes or situations where the juvenile has an extensive criminal history.

(a) When a juvenile is not transferred to HCJC, he/she may be released to either a parent or legal guardian, a responsible adult, self, or to another county facility.

(b) Juveniles are never required to post bail to gain their release.

(c) Every effort shall be made to contact the parent of an arrested juvenile by the arresting officer. The officer shall provide details of the arrest and method of release. When a juvenile is released to someone other than a parent, every effort shall be made to contact the parent concerning the disposition of the juvenile. If parent(s) cannot be contacted, a notation shall be entered in the remarks section of the booking form that notification was not made.

900.1.6 BOOKING PHOTOGRAPHS

(a) All adult prisoners booked into the holding facility on a criminal charge will be photographed.

(b) Juveniles will be photographed in accordance with Juvenile Court Rules and Department Policy.

900.1.7 FACILITY SECURITY - FIREARMS

No firearms or knives are allowed within the holding area, including the booking room, except when a condition exists that would authorize the use of deadly force. Firearms may only be

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introduced into the secure area for tactical purposes. All persons, prior to entering the secure holding area, must deposit all firearms and knives into a weapons locker. Violations will result in disciplinary action.

900.1.8 PRISONER VISITING

When a member of another criminal justice agency is not in identifying uniform, he/she must prominently display proper identification. When the visit is for the purpose of a prisoner interview, it shall be noted on the detention log.

(a) Other persons authorized to enter the holding facility for prisoner visitation must be properly identified and be willing to submit to a pat-down search for weapons or contraband. The visit shall be noted on the detention log by the person admitting the visitor into the visiting room. If a visit is denied on the belief that the visit might endanger the security of the facility, the action and reasons for denial mush be documented. Visitors must register, giving name, address, relationship to prisoner, and nature of business. Visiting must not be audio monitored. Visits by parents, guardians, and attorneys with juvenile prisoners shall be as unrestricted as administratively possible. Prisoners may be allowed private meetings for family problems with clergy, nuns, seminarians, and layperson active in community church affairs, who provide appropriate credentials, to the extent that such visits do not compromise the facility's security.

900.1.9 DETENTION FACILITY KEYS

The facility key will be properly tagged and stored in the secure location. A complete set of facility keys will be kept on hand for replacement purposes. Keys will be issued in accordance with Department Policy.

(a) Locks to security doors or gates will be inspected regularly. Inspections shall be noted on the jail facility inspection log.

(b) No lock to a security door shall be permitted to be left inoperable or left in an unsuitable condition. No prisoner shall be placed in a cell or area that has inoperable locks. All inoperable locks shall be reported on the jail facility inspection log. The cell should also be placed "out of service" and building maintenance should be notified for repair.

(c) At least once during each tour of duty, the shift supervisor or OIC shall be responsible for a visual inspection of the holding facility. Any irregularities will be noted on the facility inspection log, and the appropriate personnel notified of the need for repair/maintenance.

900.2 ORGANIZATION AND RESPONSIBILITIES

The following responsibilities for the Temporary Holding Facility operations have been established:

(a) Facility Administrator: The Chief of Police shall be the facility administrator officially charged, by law, with the administration of the Temporary Holding Facility.

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(b) Temporary Holding Facility Manager: The Chief of Police may assign a designee who will be responsible for planning, managing, administrative functions, review of the facility manual and the operations of the Temporary Holding Facility.

(c) Temporary Holding Facility Supervisor: The employee with 24-hour-per-day functional responsibility for the Temporary Holding Facility will be the Sergeant / OIC. Any other supervisor may provide assistance as needed.

(d) Custodial personnel: Custodial personnel shall be those on-duty sergeants, officers, investigators, PSO or other designated employees.

900.2.1 DEFINITIONS

Temporary Holding Facilities are generally local detention facilities and include the following facilities:

Holding Cell - A cell or room in a holding facility used to hold one or more persons temporarily while awaiting release, booking, court appearance, transportation or interrogation (Minn. R. 2945.0100 Subd. 20).

Municipal Police Facilities - Administrative processing areas used to temporarily detain persons for up to six hours. Facilities are specifically designed to be nonresidential, have either audio or visual capability, would normally not be locked except for routine security reasons, and used only long enough for identification, investigation, transfer arrangements or release to a responsible person. (Minn. R. 2945.0100 Subd. 30).

900.3 PRISONER MONITORING

900.3.1 MONITORING OF PRISONERS

When prisoners are present, an in-person welfare check must be made of each prisoner at least **once every half hour (30 minutes)** on an irregular basis by on-duty supervisor, OIC or their designee; more often if the prisoner is violent, suicidal, mentally disordered, or demonstrates unusual or bizarre behavior. The inspections shall be noted on the prisoner observation log.

Video monitoring checks will be conducted by police department personnel every 30 minutes and noted on the jail log.

900.3.2 LOG ENTRIES AND SECURITY CHECKS

(a) All adult bookings should be logged into the Temporary Holding Facility Log and a Booking Form shall be completed. The following entries are to be completed by the booking officer and personnel responsible for maintaining prisoners in the facility:

1. Case number
2. Date/time in/out of cell and for what purpose
3. Date / Time of cell checks
4. Arrestee's name

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5. Officer's name performing the booking / prisoner movement
6. Date and time of release

(b) The log shall be kept in the booking area of the Temporary Holding Facility. It is the responsibility of the facility supervisor to ensure that all appropriate entries are made.

(c) The Sergeant / OIC should make periodic checks to ensure the log and security checks are made on time.

(d) The Facility Manager should review all Temporary Holding Facility Logs and shall report to the Facility Administrator as required.

(e) All logs and reports should be maintained in the Records Bureau for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

900.3.3 GENERAL SECURITY MEASURES

Only one prisoner should be permitted out of a locked cell at any given time. An exception to this would be in circumstances when adequate staffing is present to permit more than one prisoner out of a cell.

(a) In the Booking Room, any item that could be used as a weapon, when not in use, shall be kept in a drawer out of reach of prisoners.

(b) No prisoner shall be outside the cell or booking area unless escorted by an officer.

(c) PSOs or other Department personnel perform video/audio monitoring of booking and cell areas.

900.3.4 TEMPORARY DETENTION OF JUVENILES

Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles Policy. Juveniles will not be permitted to be held in the Temporary Holding Facility for a period longer than 6 hours.

900.3.5 TEMPORARY DETENTION OF FEMALES

Male employees are not to search or enter the cell of a female prisoner unless absolutely necessary. Female inmates shall be separated by sight and sound from male inmates.

900.3.6 HANDCUFFING OF PREGNANT ARRESTEES IN LABOR

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

900.4 TEMPORARY HOLDING FACILITY SEARCHES

Immediately upon securing weapons, officers bringing prisoners into the Temporary Holding Facility shall thoroughly search their prisoners. All arrestees brought into the Temporary Holding Facility must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is substantially completed.

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In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible. Male Officers should remain available to assist immediately if needed. Should a female prisoner become combative, an officer may be assigned to restrain her until the appropriate search is completed.

Arrestee search procedures and policies are found in the Custody Searches Policy.

900.5 FIRE SAFETY / EMERGENCY PLAN

Fire alarms and smoke detectors are located throughout the Police Facility and holding area. An annunciator panel is located in the PSO Office.

LOCATION OF FIREFIGHTING EQUIPMENT

(a) A fire extinguisher is located in the hallway adjoining the booking area, in the sally port adjacent to the booking area and additional fire extinguishers are located throughout the department (see map of evacuation plan).

(b) Any time the fire alarm system activates, the fire department shall immediately be requested. When prisoners are confined in the holding facility, the supervising officer or person presently in charge of the holding facility shall make an immediate inspection of the holding area to ascertain if the alarm is originating from there. If no life threatening situation exists in the holding area, the supervising officer or officer in charge will stand by, ready to evacuate the holding area if a life threatening situation is detected in another portion of the building.

(c) Fire Drills will be conducted at least annually.

900.5.1 FIRE PROCEDURES

In the event of an actual fire that threatens the holding facility, an immediate call shall be made for assistance from the Fire Department. Any prisoners placed in jeopardy by the fire, smoke, or potentially hazardous fumes shall be moved to a location of safety. The location may be to another portion of the building not threatened by the fire. If total evacuation of the building is necessary, any prisoner, so removed, should be placed into the caged area of a squad car.

(a) After the Fire Department has been summoned, and no threat to life exists, on-duty personnel, when possible, shall attempt to extinguish the fire with available fire extinguishers.

(b) Prisoners removed from the holding facility shall be kept under guard while out of their cells and returned only when all danger has passed. If the evacuation is for a prolonged period of time or the fire renders the holding area uninhabitable, the prisoners shall be transferred to the Hennepin County Jail.

900.5.2 TORNADO - EMERGENCY PLAN

In the event of a tornado warning, all prisoners shall remain locked in their cells. Any other prisoner within the police facility shall be taken to the holding area and locked in a cell for the duration of the warning.

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Should a tornado strike the police facility, the on-duty supervisor shall assess the damage and evacuate any prisoners if the structural integrity is compromised. If the facility must be evacuated, any prisoner requiring continued detention shall be transferred to the Hennepin County Jail.

900.6 EVACUATION OF TEMPORARY HOLDING FACILITY

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

900.6.1 PRIMARY CONCERNS

(a) Safety of public

(b) Safety of Department personnel

(c) Safety of prisoners

(d) Security of prisoners

900.6.2 NOTIFICATION

(a) Sergeant / OIC

(b) All available licensed personnel

(c) Fire department

(d) Medical aid

(e) Facility Manager

(f) Facility Administrator

900.6.3 EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.6.4 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or in case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.6.5 CITYWIDE OR REGIONAL DISASTERS

In cases of Citywide or regional disasters, the Sergeant / OIC may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available

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effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.6.6 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION
As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured because of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.6.7 REPORTS
The Sergeant / OIC will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Temporary Holding Facility Manager and Temporary Holding Facility Administrator.

900.7 PRISONER TELEPHONE CALLS
Every prisoner, whether adult or juvenile, detained in the Temporary Holding Facility has the right to make a reasonable number of completed telephone calls from the Police's station, the Temporary Holding Facility or other place of booking immediately after he/she is booked and, except where physically impossible, no later than three hours after arrest. Upon request by the prisoner, private telephone access shall be provided for the purpose of consulting with an attorney (Minn. Stat. § 481.10 Subd. 2).

If it is determined that the person is a custodial parent with responsibility for a minor child or caring for a dependent adult, the person shall be entitled to make a reasonable number of completed telephone calls for the purpose of arranging care for the minor child or a dependent adult.

There is no obligation for the officer to make a call on a prisoner's behalf, for example in the case of a person who is so intoxicated that he/she cannot make a call. An officer is not required to wake an intoxicated person three hours after arrest or booking so that they may complete a call.

There is also no limitation on the amount of time a prisoner's telephone call must last. A prisoner should be given sufficient time on the telephone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The telephone calls are not intended to be lengthy conversations and the officer may use his/her judgment in determining the duration of the calls.

900.7.1 TELEPHONE CALL PROCEDURES
The Department will pay the cost of phone calls.

Calls between the prisoner and his/her attorney shall be paid by the Department, and shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Minn. Stat. § 481.10 Subd. 2).

900.7.2 ONGOING TELEPHONE ACCESS
Once a prisoner has completed telephone calls and it appears that the individual is not going to be released or transferred to another custodial facility, reasonable efforts should be made to provide the prisoner with access to a telephone, as practicable. In providing further access to

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a telephone, legitimate law enforcement interests, such as officer safety, the effect on ongoing criminal investigations and logistics, should be balanced against the prisoner's desire for further telephone access.

900.8 HANDLING OF INMATE'S PROPERTY

Officers shall take care in handling inmate's property to avoid discrepancies or losses.

Any personal property belonging to the inmate but retained by the officer for safekeeping, shall be kept in a secure location until the inmate is released or transferred. Smaller items such as a driver's license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Inmate property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the inmate, but retained by the officer as evidence, shall be booked according to procedures. The inmate shall be advised that such property will be kept as evidence and where demanded, the officer will issue the inmate a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

900.8.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

900.8.2 RELEASE OF PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing on the booking sheet.

When a prisoner is released from custody, all property will be returned and he/she will be required to sign the back of the booking sheet.

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If a prisoner is released to the court or an officer of another agency, all property will be released to the arrestee and transported with them to the new custody location.

Any alleged shortage or discrepancy shall be brought to the attention of the Sergeant / OIC, who will interview the prisoner claiming the shortage prior to his/her release. The Sergeant / OIC shall ensure that a search for the alleged missing item(s) is completed and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

All intangible personal property that is unclaimed for more than three years is presumed abandoned (Minn. Stat. § 345.38).

900.9 TEMPORARY HOLDING FACILITY PROCEDURES

900.9.1 SECURITY

(a) Firearms, deadly weapons and other control devices or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding Facility. An exception may occur only during emergencies upon approval of the Facility Administrator, Facility Manager or Sergeant / OIC.

(b) All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning, when no prisoners are present, or in the event of an emergency, such as an evacuation.

(c) Cell doors are to be locked at all times when prisoners are detained in the facility.

(d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.

(e) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy.

900.9.2 RECEIPT OF PRISONERS

The arresting and/or booking officer should:

(a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible.

(b) Inventory and record all property removed from the prisoner's person.

(c) Secure property for safekeeping.

(d) Remove all hazardous items from the prisoner's person.

(e) Remove belts, shoes and jackets.

(f) Fingerprint the arrestee.

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(g) All prisoners arrested, both adult and juveniles, will be photographed. In the event of a malfunction, a patrol digital camera shall be used. The photograph will be documented in the photo log.

(h) Complete the Hopkins Police Department booking form

(i) Before the booking procedure is completed, the arresting or booking officer will log the prisoner into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the prisoner is to be held in the facility, and shall include those prisoners whose admittance is for booking only.

(j) Showering and delousing facilities are available if the prisoner is in need.

(k) Feminine hygiene products will be made available if the prisoner is in need.

900.9.3 HOLDING CELL SECURITY

(a) Prior to placing a prisoner into a cell, the cell shall be searched to ensure there are no weapons or contraband present and to ensure the cell is clean and sanitary. If other prisoners are present in the cell, this inspection shall be done visually without removing other prisoners.

(b) If the booking officer is alone, any other prisoners in a cell should be directed to stand against the far wall of the cell prior to opening the cell door.

(c) Keys shall be returned to their secure location prior to leaving the building.

(d) Access to the booking and holding cell area is restricted to officers who are in the process of or assisting the booking or release of prisoners, or personnel conducting prisoner checks.

(e) Maintenance and/or cleaning personnel shall be accompanied at all times by an officer when inside the Temporary Holding Facility if arrestees are being held there.

900.9.4 HOLDING CELLS AND PRISONER BEDDING

(a) Temporary Holding Facility cells have toilets and water available at all times. Prisoners will not be placed in cells where toilet or water service is not available.

(b) Any prisoner placed in a cell for a period longer than two hours shall be issued a blanket sufficient to provide comfort under existing conditions. All blankets shall be laundered after each use. Only clean items may be used. Clothing and bedding may be removed from a prisoner only when the prisoner's behavior threatens the health, safety, or security of self, other persons, or property. Clothing and bedding must be returned to the prisoner as soon as it is reasonable to believe that the behavior that caused the action will not continue. It will be the policy of the Hopkins Police Department that the supervising officer or officer in charge will determine when/if clothing and bedding will be removed. The circumstances surrounding the removal will be thoroughly documented on the jail log.

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900.9.5 PRISONER FOOD SERVICE

(a) Prisoner food will be made on-site or purchased from a retail or commercial food provider.

(b) Meals will be provided for prisoners detained in excess of six hours.

(c) Meals shall be served three times in any 24-hour period. No more than 14 hours shall pass between meals without supplemental food being served.

900.9.6 ATTORNEYS AND BAIL BONDSMEN

(a) Attorneys and bail bondsmen who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.

(b) Both the attorney and prisoner should be searched for weapons prior to being admitted to the Temporary Holding Facility interview room and upon exiting.

(c) Attorneys must produce a current identification card from a recognized state bar association as well as other matching appropriate identification.

(d) Interviews between attorneys and their clients shall not be monitored or recorded.

900.9.7 VISITORS

Special exceptions may be made to allow necessary communication between parents or caregivers of minors regarding the minor's well-being. Items of prisoner's property, such as cash, car, house keys or medications may be released at the prisoner's consent. Proper identification of the person receiving the property is required.

900.9.8 MEDICATION

The Hopkins Police Department prohibits stock supplies of legend drugs. It is the policy of the Hopkins Police Department that prisoners requiring doses of prescribed medicine are not detained in the jail facility if it is likely their detention will extend up to or past the time of the next scheduled dose of medication. Prisoners must be asked if they are in possession of or have a need for a prescribed medicine, and the response documented on the booking sheet. **If the prisoner needs medication and continued detention is necessary, such prisoners should be transported to an external jail facility approved for use by Hopkins Police as soon as possible.**

(a) Medicine administrated by injection must be administered by a physician, registered nurse, or licensed practical nurse. Diabetics under physician order and direct staff supervision must be permitted to self-administer insulin. Medicine delivered to a prisoner is to be self-administered under staff supervision.

(b) No prisoner while receiving legend drug may receive any non-legend drug without the approval of an attending physician.

(c) If any adverse reaction to drugs received are noted, this must be reported to their physician and documented in the booking file.

(d) If a prisoner refuses their prescribed medication, this also needs to be reported to their physician and documented in the booking file.

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(e) No prisoner may be deprived of medicine as prescribed because of penalty or staff retaliation.

(f) The delivery of medicine may not be administered by another prisoner.

(g) A physician must be contacted for instructions before the next prescribed medicine dosage time for all newly admitted prisoners who are either in possession of prescribed medicine or indicate a need for prescribed medicine.

(h) Prisoner must have been positively identified prior to allowing medicine to be administered.

(i) Any staff that is supervising the prisoner taking the medicine must read the prescription instructions and insure the medicine is delivered in accordance with physician instructions. If medicine is delivered orally, check their mouth and under tongue to insure the medicine was ingested.

(j) Storage of Medicine: medicine belonging to prisoners must be stored in a locked box in the booking room with the medication noted on the booking sheet as property. Medicine that must be refrigerated shall be kept in the Property room refrigerator with a property sheet. Prescribed medication must be kept in its original container, bearing the original label. When medicine is locked into the lock box, the box shall be kept locked at all times until the prisoner is released and the medicine released with their property. Prisoners must not be permitted in the area of the medicine storage. Only staff authorized to handle prisoner property may have access to the keys for the medicine lock box. Poisons and medicine intended for external use shall be clearly marked and stored separately from medicine intended for internal use

900.9.9 MEDICAL CARE / INJURED PRISONER

Should a prisoner be injured or become ill during incarceration, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid at the Temporary Holding Facility to allow access to the prisoner. The decision to transport a prisoner to a hospital will be the decision of the paramedic. The method and means of transportation is subject to the approval of the supervisor. If any prisoner is transported while still in custody, the prisoner will be accompanied by an officer.

(a) Prisoners may be handcuffed if such use is justified, unless the type or severity of the injury precludes their use.

(b) Accompanying officer(s) will remain with the prisoner until they can return the individual to the holding facility or transport the individual to the Hennepin County holding facility.

(c) When a prisoner is admitted to a medical facility, the officer will use the following guidelines:

1. **Prisoner charged with Misdemeanor:** Release from custody pending formal complaint or NBR with an appointed court date.

2. **Prisoner charged with Gross Misdemeanor:** Release from custody pending formal complaint or tab charge if appropriate.

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3. **Prisoner charged with Felony:** Notify the shift sergeant/OIC of the situation. If the felony stems from a property crime, the person may be released from custody. When the charge is based upon a crime against a person, the prisoner shall remain in custody under guard provided by our agency, unless the attending physician declares the person to be incapacitated. An incapacitated prisoner needs no guard, however, the hospital must be instructed to immediately contact the Police Department for the posting of a guard if the prisoner's condition improves whereby he/she becomes mobile. After a prisoner has been charged by complaint, the responsibility for guarding transfers to the Hennepin County Sheriffs Department.

(d) Private medical insurance admitting procedures shall be followed whenever possible. Officers shall not assume medical payment responsibility without supervisor approval.

900.9.10 RELEASE OF PRISONERS

(a) Prior to removing a prisoner from a cell for release, the releasing officer will compare the intake photograph of the prisoner with the individual being released to ensure proper identity. If any questions exist regarding proper identification, a supervisor should be summoned to the Temporary Holding Facility.

(b) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.

(c) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.

(d) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/she may not be compelled to clean up nor may his/her release be delayed to accomplish this.

(e) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All property, not to include evidence, contraband or dangerous weapons, shall be returned to the prisoner.

2. The appropriate Temporary Holding Facility Log will be completed showing the date, time and reason for release, as well as the releasing officer's name.

3. The prisoner being released will be escorted from the Temporary Holding Facility and police facility by an employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.9.11 FACILITY SANITATION AND MAINTENANCE

The Sergeant / OIC should inspect the Temporary Holding Facility once every 12 hour shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness.The

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facility shall also be inspected at this time to check for any building or equipment deterioration, safety hazards, contraband, evidence of breaches in security, and inoperable security equipment. Documentation of this inspection shall be recorded in the “Jail Inspection Log.” Also recorded in this log shall be the total daily count of prisoners. The Temporary Holding Facility shall be cleaned and maintained, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the jail supervisor.

900.9.12 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of this department, the Sergeant / OIC shall be notified and will make the appropriate notifications as directed in the Temporary Holding Facility Manual and pursuant to Minn. Stat. § 390.11 Subd. 1 (6).

In the event of any death occurring in the holding facility, the Captain and Chief of Police will immediately be notified. The Medical Examiner's Office and the Hennepin County Crime Lab shall be notified to process the scene. The affected portion of the facility shall be sealed with access limited to those involved in the investigation. Prisoners in the facility when the death of another occurs shall remain confined as part of the investigation. A person in the same cell with the deceased shall be moved to another cell. When possible, all prisoners should be sequestered from one another.

(a) Any incoming prisoners that require booking should be taken to the Hennepin County holding facility until the investigation has been completed

(b) Notification of a deceased prisoner's next of kin should be coordinated with the Medical Examiner's Office, and will normally be the responsibility of that agency.

900.9.13 ACCESS TO FAITH AND MORALS BASED PROGRAMS

Consistent with available resources, safety and security, the religious beliefs and needs of all prisoners should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals based programs and other secular volunteer programs. No prisoner shall be required to participate in any such program.

900.10 PRISONER ESCAPES / BREAKING CUSTODY

Definition:

Breaking custody: the escape of an inmate from official custody while being escorted outside the jail facility.

Escape: The escape of an inmate from inside the Hopkins Police Department jail facility.

All personnel of the Hopkins Police Department will take every precaution to prevent inmates from breaking custody/escaping and endangering the public. When a break in custody does occur, personnel will take **immediate action** to ensure the safety of the community and to apprehend the inmate. No staff person will take action to capture an inmate who has broken custody when such action would be taken at the risk of the safety of civilians. The procedures for escapes/breaks in custody will be the same.

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(a) Escorting Personnel:

1. Before departing from the jail or from another location, escorting personnel will:

    (a) Ensure that they have a means of direct communication with the Hennepin County Dispatcher(car radio or portable radio).

    (b) Search and restrain inmates to be transported;

    (c) Inform the dispatcher of his/her destination and arrival

(b) When a single inmate is being transported and he/she breaks custody, the escorting officer will immediately notify the department's dispatcher and then pursue the inmate. Notification made to the dispatcher will include:

    (a) The officer's exact location;

    (b) Inmate's name and description

    (c) The inmate's direction of travel.

(c) When more than one inmate is being transported and a break in custody occurs, one escorting officer will pursue the inmates while the second escorting officer:

    (a) Remains behind to prevent other inmates being escorted from breaking custody;

    (b) Notifies the department's dispatcher of his/her location, inmates names and

    (c) Coordinates response of supporting units and stands by until assistance arrives

(d) **Dispatcher Procedures:**

    (a) Hennepin County Dispatch will assist as necessary following their policies and procedures.

(e) **The Command Officer** (Officer in Charge or Supervisor)

    (a) coordinate all law enforcement efforts within the jurisdiction of the City of Hopkins to apprehend the inmate(s) breaking custody.

    (b) will make requests to local and state law enforcement agencies for assistance as needed.

    (c) The Command Officer will compile or have compiled, the following information on the escapee(s) to be communicated to all law enforcement agencies in the apprehension of the escape:

        (a) Name of escapee(s)

        (b) Description of escapee(s) (physical and clothing)

        (c) Whether escapee(s) are considered dangerous

        (d) Last known residence of the escapee(s)

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(e) Address of escapee(s) family and known friends

(f) Information relating to the possible direction of travel

(g) Any other information that may assist in the capture of the escapee(s).

(f) **The Command Officer or PIO** At the direction of the Captain or Chief of Police, they will prepare and issue a public announcement through the local media. This announcement will:

1. Inform the public of an escape and of the cautions which should be taken;
2. Give a description of the escapee(s)
3. Encourage the public to report any unusual situations or possible sightings of the escapee(s).

(g) The Command Officer will assign an officer or investigator to:

1. Interview other inmates to obtain information which could be useful;
2. Receive telephone calls relating to possible sighting and coordinate all information;
3. Keep the Chief and Command Officer updated on all information.

(h) The Command Officer will, upon the apprehending of the escapee(s):

1. Verify that the escapee(s) has actually been captured;
2. Notify the Chief, all personnel, law enforcement agencies and the media of the inmate's capture;
3. Ensure that the escapee(s) is in good physical condition
4. Provide for more secure housing of the escapee(s) via immediate transport to the Hennepin County Jail

900.10.1 USE OF FORCE TO PREVENT ESCAPE OR CAPTURE ESCAPEES
Officers attempting to prevent the escape 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.

900.11 POST-ESCAPE INCIDENT ACTIONS

The Sergeant / OIC will ensure all persons notified of the event, including the Captain and the Chief of Police, are notified of the resolution of the event.

The Sergeant / OIC will ensure that reports and any other necessary documentation of the escape or attempted escape are completed. This documentation includes, at a minimum:

(a) Additional charges being filed against those involved in the incident, when applicable.

(b) Use-of-force report, if appropriate.

(c) New, follow-up or additional crime reports.

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(d) A post-incident report of the incident details to the Temporary Holding Facility Manager, Temporary Holding Facility Administrator and the Chief of Police.

The Temporary Holding Facility Manager shall complete an assessment of the incident, including any recommendations regarding operations, policy and facility to reduce the potential for other incidents. The completed report of the assessment shall be submitted to the Chief of Police.

900.12 RULES FOR PRISONER BEHAVIOR

Order is essential to the safe and secure operation of the jail. Inmate rules describe behavior expected of all inmates:

INMATE RULES

(a) Any inmate found to be in violation of an inmate rule shall be subject to disciplinary or criminal action depending on the type of violation.

(b) No inmate will show disrespect to jail personnel, citizens of the community, visitors, or other inmates.

(c) No inmate will take, disfigure, damage, abuse, or waste city property, or property belonging to another person.

(d) No inmate will assault, or attempt to assault, jail personnel, other inmates, visitors, or any other person.

(e) No inmate will commit any lewd or indecent sexual act.

(f) No inmate will incite any overt act that will disrupt the order or safety of the jail.

(g) No inmate will disobey an order from an officer.

(h) No inmate will interfere with an officer in the performance of his/her duties.

(i) No loud or abusive language (swearing) is permitted.

(j) NO SMOKING

(k) If inmates require assistance, they are to request to see an officer via the intercom system.

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Custody Searches

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent Department procedures regarding frisks (pat-down searches), searches incident to arrest, booking and strip searches of arrested persons.

902.2 DEFINITIONS OF SEARCHES

Frisk (Pat-Down Search) - This is a limited type of search used by officers in the field when an officer has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the officer or others.

Booking Search / Search Incident to Arrest - This search involves a thorough search of an arrested individual's clothing. All pockets, cuffs and folds on the clothing are checked to locate all personal property, contraband or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

902.3 FRISKS (PAT-DOWN SEARCHES)

(a) When any officer has reasonable suspicion to believe that a person suspected of criminal behavior may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may frisk that individual.

(b) Prior to detaining any individual in any police vehicle, an officer should conduct a frisk of that individual.

(c) Whenever reasonably practicable, a frisk of an individual should be conducted by an officer of the same gender as the person being frisked. Absent the availability of a same gender officer, it is recommended that a witness officer be present during any frisk of an individual of opposite sex as the officer conducting the frisk.

902.4 BOOKING SEARCHES / SEARCH INCIDENT TO ARREST

A arrested persons shall be searched and have all weapons taken from them. When officers book arrested persons at the Hopkins Police Department, they shall follow the provisions of Policy 900 Temporary Holding Facility.

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902.5 STRIP SEARCHES

(a) Except as otherwise authorized by law, no person arrested and held in custody shall be subjected to a strip search or visual/physical body cavity search unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband that would be discovered by such a search.

(b) No strip search or visual body cavity search shall be conducted without authorization from a supervisor. The time, date and place of the search, the name and sex of the person conducting the search and the results of the search shall be documented in the report.

(c) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search.

(d) The officer(s) conducting the strip search or visual body cavity search shall be of the same gender as the person being searched.

(e) Whenever reasonably possible, a second officer of the same gender should also be present during the search, for security and as a witness to the finding of evidence.

(f) The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.

902.5.1 PHYSICAL BODY CAVITY SEARCH

(a) No person shall be subjected to a physical body cavity search without a search warrant.

(b) A copy of the search warrant and the results of any physical body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.

(c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or intermediate or advanced Emergency Medical Technician (EMT) may conduct a physical body cavity search.

(d) Except for the above mentioned licensed medical personnel, persons present must be of the same gender as the person being searched. Privacy requirements, including the restricted touching of body parts, are the same as the strip search standard.

902.6 TRAINING

The Training Sergeant shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.

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- Conducting searches of transgender and intersex prisoners.

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Hopkins shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission and Minnesota law. The rules governing employment practices for this department are maintained by the Hopkins Personnel Department.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.2.1 VETERANS' PREFERENCE

Veterans who are candidates for job openings shall receive preference recognizing the training and experience, loyalty and sacrifice not otherwise readily assessed by examination pursuant to Minn. Stat. § 197.455 Subd. 2. The following preference, credit and requirements shall be applied as applicable (Minn. Stat. § 197.455):

Nondisabled Veteran's Credit - There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of five points, provided that veteran obtained a passing rating on the examination without the addition of the credit points.

Disabled Veteran's Credit - There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 10 points, provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that:

(a) The veteran obtained a passing rating on the examination without the addition of the credit points, and

(b) The veteran is applying for a first promotion after securing public employment.

For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person has a compensable service-connected disability as adjudicated by the U.S. Veterans Administration, or by the retirement board of one of the several branches of the armed forces, that is existing at the time preference is claimed. For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

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Preference for Spouses - A preference available pursuant to Minn. Stat. § 197.455 may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran, who because of the disability, is unable to qualify.

Ranking of Veterans - An eligible applicant with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a non-veteran with the same rating. When notifying eligible applicants that they have passed examinations this department shall show the final examination ratings and preference credits and shall notify eligible applicants that they may elect to use veteran's preference to augment passing ratings.

When this department rejects a certified eligible applicant who has received veteran's preference, the appointing authority shall notify the eligible applicant in writing of the reasons for the rejection and file the notice with the Hopkins Personnel Department.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Hopkins Personnel Department maintains standards for all positions.

The challenge facing the Department is one of developing a job-valid and non-discriminatory set of policies that will allow it to lawfully exclude persons who do not meet the Hopkins or State of Minnesota hiring standards.

The Minnesota Board of Peace Officer Standards and Training (POST) statutorily prescribes minimum standards for employment and a pre-employment investigation of a peace officer candidate's background (Minn. R 6700.0700). Where appropriate this department has adopted more rigid standards (Minn. R 6700.0700 Subd. 4).

Except where identified otherwise, the following standards have been adopted for all applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Minnesota driver's license (Minn. R. 6700.0700 Subd. 1 (B)).

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities and payoffs.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

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1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to a conviction for a felony or crime involving dishonesty or false statement.

(b) The following shall be disqualifying:

1. Admission, conviction or adjudication of having committed any act defined as a felony (including felony/misdemeanor offenses) under Minnesota law, federal law, the law of another state or the Uniform Code of Military Justice (UCMJ).
2. Admission or administrative findings of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document or theft.
3. Admission of any criminal or delinquent act, whether misdemeanor or felony, committed against children including, but not limited to, molesting or annoying children, child abduction, child abuse, criminal sexual conduct or indecent exposure.

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to procedures, rules or regulations.

(c) The ability to recall information pertaining to laws, statutes and codes.

(d) The ability to learn and to apply what is learned.

(e) The ability to learn and apply the material, tactics and procedures that are required of the position.

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion in applying authority.

(d) Effectiveness in dealing with people without arousing irrational antagonism.

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(e) The ability to understand the motives of people and how they will react and interact.

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

1000.3.8 ILLEGAL USE OR POSSESSION OF CONTROLLED SUBSTANCES
The department will look at the totality of circumstances with regard to illegal substance use in making a determination if the applicant qualifies for the position applied for.

1000.4 OFFICER SELECTION PROCESS

(a) Applicants for entry-level officer positions will apply to the Police Department and are required to:

1. Meet qualifications of POST and the Department as required by this policy (Minn. R. 6700.0700) by the date specified.
2. Pass an entrance examination / interview
3. Pass a physical agility test (Minn. R. 6700.0700 Subd. 1 (J)).
4. Obtain an acceptable score from an oral interview board (Minn. R. 6700.0700 Subd. 1 (K)).

(b) The highest ranking qualified candidates based on the above scores will be interviewed by the Chief of Police or designee. The top candidates will be required to successfully complete a background investigation (Minn. R. 6700.0700 Subd. 1 (D)).

(c) The top candidates meeting department hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Physical examination (Minn. R. 6700.0700 Subd. 1 (H))
2. Drug testing
3. Psychological testing (Minn. R. 6700.0700 Subd. 1 (I))

(d) Regular employee status may be granted upon:

1. Successful completion of field training, and
2. Successful completion of probation.

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1000.4.1 LATERAL TRANSFER OFFICER SELECTION PROCESS
Licensed officer applicants (laterals) currently employed fulltime with other Minnesota agencies may be deemed to have met various entry requirements and specific steps may be waived at the discretion of the Chief of Police or designee.

1000.5 CIVILIAN SELECTION PROCESS

(a) Applicants for all non-licensed positions will apply to the City Personnel Department and are required to:

1. Meet Department qualifications.
2. Successfully complete an applicable employment examination / interview.
3. Pass a physical agility test if applicable to the position.
4. Obtain an acceptable score on a word processing test if applicable to the position.
5. Successfully complete a background investigation.

(b) The top candidates meeting Department hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Psychological examination (if required)
2. Physical examination (if required)
3. Drug test

(c) Regular employee status may be granted upon:

1. Successful completion of training, and
2. Successful completion of probation.

1000.6 TECHNIQUES, TOOLS AND RECORDS

1000.6.1 BACKGROUND INVESTIGATIONS
Background investigations are conducted on all Department employees prior to the final hiring decision. Relevant information regarding the candidate's qualifications, integrity, lawful and unlawful past behavior, previous work performance and driving record, if applicable to the position, is included along with interviews of individuals familiar with the candidate. This information is used to make an informed decision on the candidate's suitability for employment (Minn. Stat. § 626.87 and Minn. R. 6700.0700).

Background investigations shall be conducted by members of the Department who have been trained in conducting background investigations or in accordance with the Background Investigation Manual adopted by the Department.

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1000.6.2 RECORDS

All selection materials for those individuals hired, including the background investigation, will be placed in an envelope and filed in the employee's personnel file. Employee selection materials will be maintained for the length of the time required for personnel files under the records retention schedule.

All selection materials for those individuals not hired will be maintained for a minimum period established by the records retention schedule.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Hopkins Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1002.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

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Position	Evaluated Every Month	Evaluated Yearly	Length of Probation
	as Needed		
Probationary Licensed Employees	X		1 Year
Non-Probationary Licensed Employees		X	
Probationary Civilian Employees	X		1 Year
Non-Probationary, Civilian Employees		X	

1002.4.1 VOLUNTEER AND RESERVE OFFICER EVALUATIONS
Volunteer and reserve officer evaluations are covered in the Volunteer Program Policy.

1002.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. Probationary personnel are continuously being evaluated during the probationary period and corrections/documentation should be made as needed..

1002.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to two types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Special - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

1002.6.1 RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding

Exceeds Expectations

Achieves Expectations

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Requires Improvement

An explanation of each level of rating is included on the employee performance evaluation that can be found on the department's home page

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked requires improvement or outstanding shall be substantiated in the rater comments section.

1002.6.2 EMPLOYEE SELF EVALUATION
Prior to evaulation by a supervisor, the employee will complete self evaluation.

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Personnel Department.

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Reporting of Employee Convictions and Court Orders

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Minnesota and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Minn. Stat. § 518B.01).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Minnesota. Any license of a peace officer convicted of a felony is automatically revoked (Minn. Stat. § 626.8431).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

Minn. Stat. § 624.713 prohibits ineligible persons from possessing a handgun or semi-automatic assault weapon.

1010.3.1 COURT ORDERS

All employees shall promptly notify the department if they are a party to, or have been served with, any court order from any jurisdiction.

1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

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Alcohol and Drug Use

1012.1 PURPOSE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Hopkins Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol. This policy is not intended to supersede any future, or any previous, collective bargaining agreement as long as the minimum standards under state statute are met or exceeded (Minn. Stat. § 181.955).

1012.2 GENERAL GUIDELINES

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol by on-duty personnel is generally prohibited except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. The affected employee shall notify the Sergeant / OIC or appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs.

1012.2.2 CITY REQUIREMENTS AND PROCEDURES

(a) The City will post and maintain a notice in appropriate and conspicuous locations at its facilities that this policy has been adopted and that copies are available for inspection at specified locations.

(b) The City will use a facility for drug and/or alcohol testing which has been licensed by the Department of Health.

(c) Before a job applicant or employee is required to submit to an alcohol and/or drug test, the City will provide a form on which shall:

1. indicate whether the employee or job applicant has seen the City's drug and alcohol testing policy, and

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2. indicate that the employee or job applicant consents or does not consent to the drug test. Failure to sign the consent form means that the employee or job applicant refuses to submit to an alcohol and/or drug test.

(d) The City's designated laboratory will automatically perform a confirmatory test on all samples that test positive. No adverse personnel action will be taken based on an initial screening test that has not been verified by a confirmatory test.

(e) Within three business days of the City's receipt of the results, the City will notify the employee or job applicant of the results of the alcohol and drug test and of the individuals rights specified in Sections 6 and 7 below and MN Statute 181.953, Subd. 10 and 11.

1012.3 RIGHTS OF EMPLOYEES AND JOB APPLICANTS TO REFUSE TESTING

(a) Applicants. If a job applicant for an affected position refuses to submit to a drug test, any offer of employment shall be withdrawn and the City shall not consider the individual for employment.

(b) Employees. Employees who refuse to submit to an alcohol and/or drug test under the circumstances enumerated in this policy may be subject to discipline up to and including dismissal.

1012.3.1 EFFECT OF POSITIVE CONFIRMATORY TEST

(a) **Applicants.** If a job applicant for an affected position tests positive on a confirmatory test for drugs, any offer of employment shall be withdrawn and the City shall not consider the individual for employment.

(b) **Employees.** Employee's who test positive for alcohol and/or drugs for the first time, will be given the opportunity to enter a City-approved drug and/or alcohol counseling or rehabilitation program at the individual's own expense or through the employee's health care provider. The City will consult with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency before approving a program. Employee's who refuse to enter or fail to complete a program, may be dismissed. Employees who elect to enter a program will be required to submit to alcohol and or drug testing every six months. An employee who tests positive or refuses to submit to a test during the first two years following entrance to such a program will be dismissed immediately. This requirement for testing shall only apply to employees who enter such a program as a result of a positive drug or alcohol test.

(c) **Explained Results.** If a positive confirmatory test is caused by a drug prescribed for the employee or an over the counter substance consumed in accordance with instructions, the City will not take disciplinary action toward an employee or withdraw a job offer. However, if the substance significantly impairs the employee's ability to perform assigned duties or creates a safety risk, the City may reassign the employee to a position whose duties can be safely and adequately performed, if one is available, or place the employee on sick leave.

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1012.4 EMPLOYEE AND JOB APPLICANT RIGHTS AFTER A TEST

(a) If an employee or job applicant tests positive for drug use, the employee shall be given written notice of the right to explain the positive test and the City may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

(b) Within five days after receiving notification of a positive test result, an individual may submit any information to explain the result and request in writing a confirmatory retest of the original sample at the employee's or job applicant's own expense. No adverse personnel action will be taken if the confirmatory retest does not confirm the original test.

(c) An employee or job applicant may request and receive from the City, a copy of the drug or alcohol test result report.

1012.5 APPEAL PROCEDURE

Employees may appeal decisions made by the City under this policy through the remedies available through their collective bargaining units. Employees, who are not represented by a collective bargaining unit, may appeal decisions through remedies available in the City's personnel policy. The City will not retaliate against an employee for pursuing an appeal or the other remedies provided in Minn. Stat 181.956. An employee may also appeal under the Veteran's Preference Act, if eligible.

1012.5.1 MISCELLANEOUS

(a) The City's designated laboratory shall disclose test result data only to the City Manager or, the Assistant City Manager of the City of Hopkins

(b) Test result reports and other data acquired by the City in the drug or alcohol testing process is private data on individuals pursuant to Minnesota Statutes. The City will disclose the information internally to management and confidential employees with a need to know and to the tested individual. The information will not be released to any third party without the written consent of the tested individual except under the following circumstances:

1. The data may be used in an arbitration proceeding pursuant to a collective bargaining agreement, a veteran's preference hearing, other applicable state or local law, or a judicial proceeding, provided that the information is relevant to the hearing or proceeding.

2. The information may be disclosed to a federal agency or other unit~ of the United States government as required by federal law, regulation, order, or contract.

3. The information may be disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

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(c) Positive tests result from the City's drug or alcohol testing. program will not be used as evidence in a criminal action against an employee or job applicant.

(d) The City may suspend an employee requested to submit to testing if the City believes that it is reasonably necessary for the protection of the individual, other employees, or the public. The suspension will be with pay pending receipt of the test result, unless the employee has violated a city policy or work rule that justifies a suspension without pay regardless of the test result. In lieu of suspension, the City may temporarily transfer the employee to another position at the same rate of pay. Positive test results will be handled in accordance with Effect of Positive Confirmatory Test, of this Policy. It shall be the responsibility of the City Manager to determine the date a suspended employee may return to work.

(e) The City Manager shall be responsible for implementing this policy.

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Sick Leave Policy

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825.100).

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not reasonably possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation and abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1014.2.1 DEPARTMENT NOTIFICATION

Employees **SHALL** notify an immediate supervisor, the Sergeant / OIC or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Department as soon as reasonably possible and with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, based upon reasonable cause, from requiring a physician's statement if three or fewer sick leave days are taken.

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1014.4 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

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Blood Borne Pathogens/PPE/Exposures

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To manage the risks associated with blood-borne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- To protect the privacy rights of all Department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.1.1 DEFINITIONS

Biohazard or Blood-borne Pathogen - Infectious biological agents or hazardous biological materials that present a potential or actual health risk.

1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All Department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

1016.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Department's Exposure Control Officer (ECO). The ECO shall be responsible for the following:

(a) The overall management of the bloodborne Exposure Control Plan and ensuring compliance with 29 CFR 1910.1030 (Minn. R. 5206.0600).

(b) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning blood-borne pathogens and other communicable diseases.

(c) The ECO will act as a liaison during OSHA inspections and shall conduct program audits to maintain an up-to-date Exposure Control Plan.

(d) The ECO will maintain an up-to-date list of police personnel requiring training, will develop and implement a training program, maintain class rosters and quizzes and periodically review the training program or shall enlist the services of a qualified third party company

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to conduct such practices. The Department currently uses PATROL ONLINE for this requirement.

(e) The ECO will review and update the Exposure Control Plan annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair of disposable latex gloves (keeping a box in the car recommended).
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Alcohol, or similar substance, to flush skin at emergency site.
- Maintaining alcohol hand wipes in the car is recommended.

The protective equipment is to be kept in each police vehicle, inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed.

1016.2.4 IMMUNIZATIONS

All Department personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment.

1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books

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and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person's blood or bodily fluids:

1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the on-scene fire response vehicle, ambulance at the attending clinic or hospital, with its approval, or in an appropriately marked biohazard waste container immediately upon arrival.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately, onscene if reasonably possible, or as soon as reasonably possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist a paramedic or are being collected for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Use a

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device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the task has not been completed. If any failure of personal protective equipment results in a contaminated non-intact skin event, decontamination as described in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, corners, crevices and portable radios. Equipment cleaning shall not be done in the kitchen, bathrooms or areas that are not designated as a cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (.25 cup of bleach per one gallon of water) while wearing disposable gloves

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and goggles. Large particles of contaminants such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.

1016.3.7 DECONTAMINATION OF CLOTHING
Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing and will inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the station that will serve as the area for cleaning/ decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee(s).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report/injury on duty report as soon as possible following the exposure or suspected exposure. The report shall be submitted to the employee's immediate supervisor and should include the names of witnesses to the incident, names of persons involved in the underlying incident, and if reasonably feasible, any written statements from these parties.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably possible following the incident, while gathering the information needed for the Supervisor's Report of Accident/Injury report.

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The supervisor shall use the above information to prepare a written summary of the incident on the Supervisor's Report of Accident/Injury report its causes and recommendations for avoiding similar events.

1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who received exposure or suspected exposure shall be seen by a physician (or qualified health care professional) as soon as reasonably possible.

The ECO will request that the qualified health care professional provide the ECO and/or the City's risk manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING

The Department should provide the exposed employee, and his/her family if necessary, the opportunity for counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept confidential (Minn. Stat. § 144.7411).

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The risk manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent, except as required by law.

1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are several methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods include the following:

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(a) The Hopkins Police Department may request that a licensed hospital or other licensed emergency medical care facility follow the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 for consensual source testing when an officer or any other employee acting as a Good Samaritan may have experienced a significant exposure to pathogenic microorganisms present in human blood that can cause disease. Officers need not have been engaged in providing medical assistance for the exposure to apply for source testing; for example, being pricked by a hypodermic needle during a search may suffice (Minn. Stat. § 144.7401; Minn. Stat. § 144.7402). A court order may be sought when a source person does not consent to the testing requested by a hospital or other facility (Minn. Stat. § 144.7407).

(b) Obtaining voluntary consent directly from a person who may be the source of an exposure to include testing for any relevant disease. This is separate from the consent that may be sought through a statutory process above.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

1016.5.1 PROCEDURE

Upon notification of an employee's exposure, the ECO should attempt one or more of the following methods to obtain source testing:

(a) In order to seek testing through the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 by a licensed hospital or other emergency medical care facility, the ECO should:

1. Notify a hospital or other applicable facility where the exposed officer or other employee was evaluated that testing is being requested.

2. Locate the source person if he/she is not at the hospital or other facility. If the person cannot be located, the Investigation Unit Supervisor should be notified and will assist in location attempts. When located, the ECO will notify the evaluating hospital of the person's location. (It will then be the responsibility of the hospital to contact the person.)

3. Arrange for free counseling, testing and treatment of the exposed employee.

4. Inform the exposed employee of the source's test results without the source individual's name, address or other uniquely identifying information (Minn. Stat. § 144.7404).

5. Contact a City attorney to petition the court to obtain an order for testing a source individual if there is no blood available from the source individual and the source individual refuses to have blood drawn or tested. The ECO will ensure that affidavits in support of the petition are sought and include information that shows:

(a) The hospital followed protocol and attempted to obtain bloodborne pathogen test results.

(b) A significant exposure occurred.

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(c) A physician with specialty training in infectious diseases, including HIV, has documented that the exposed department member has provided a blood sample and consented to testing for bloodborne pathogens and that bloodborne pathogen test results on the other person are needed to determine medical treatment for the exposed department member.

6. If a blood sample is already available to the medical facility but the person did not consent to testing for bloodborne pathogens, the medical facility may proceed with testing under Minn. Stat. § 144.7406.

(b) Seek consent apart from the above statutory framework when those efforts do not result in adequate source testing. The following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate under the circumstances.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

Since there is potential for overlap between the methods for obtaining testing, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing. Direct consent with the source person should not be sought if consent is otherwise obtained by a health or medical service provider under one of the above statutory processes. If it appears that source testing would benefit an exposed employee but that it cannot be accomplished through the above methods, the ECO should consult with City counsel to seek an alternate legal testing method.

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Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Hopkins Police Department facilities or vehicles.

1018.2 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department without first obtaining the permission of any person of the public prior to using tobacco products. Employees shall not use tobacco products while participating in highly visible activities such as traffic direction. Smoking is not permitted inside any City facility, office or vehicle. It shall be the responsibility of supervisors to ensure that no person under his/her supervision smokes in City facilities and vehicles

1018.3 ADDITIONAL PROHIBITIONS

No employee shall smoke, even while out of view of the public or off-duty, in areas properly posted with "No Smoking" notices nor shall any employee use tobacco products on public school property (Minn. Stat. § 609.681; Minn. Stat. § 144.4165).

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Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department (Minn. R. 6700.2200).

Regardless of the source of an allegation of misconduct, all such matters will be investigated pursuant to state or local law and any applicable collective bargaining agreement. The investigation should be completed within six months of the discovery of the allegation or within a reasonable time thereafter based upon the complexity or conditions of the investigation.

The Department investigates all complaints alleging a violation of law.

Additional guidance, provisions, changes or additions may be contained in the collective bargaining agreement.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law. Misconduct allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not qualify as a violation may be handled informally by a Department supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Department's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

Informal - is a statement made by a complainant that alleges misconduct, of a generally less serious nature, and in which no formal complaint is requested or in which the complainant responsibilities are not met. No formal discipline will result from an informal complaint, however, if a supervisor finds that misconduct has occurred, they may initiate a formal complaint.

Formal - is a written statement, signed by a complainant, alleging misconduct by a department employee in which a complainant requests an investigation into those allegations.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Captain, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.1.2 DEFINITIONS

Complainant - A person claiming to be the victim or witness of misconduct by an officer.

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Investigation - An administrative investigation, conducted by the Department, of alleged misconduct by an officer that could result in punitive action.

Investigator - An agent or employee of the Department who is assigned to conduct an investigation.

Punitive Action - A disciplinary suspension, indefinite suspension, demotion in rank, reprimand, termination or any combination of those actions.

Formal Statement - Means the questioning of an employee in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the employee (Minn. Stat. § 626.89 Subd. 1 (b)).

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained at Hopkins Police Department and be made available to anyone who requests one.

Each Sergeant / OIC shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Captain any suggestions for improvement or changes.

1020.2.2 SOURCE OF COMPLAINTS

Complaints will be accepted from the following:

(a) A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(d) A complaint received by the Minnesota POST Board alleging a violation of a statute or rule that the board is empowered to enforce (Minn. R. 6700.1600).

1020.2.3 ACCEPTANCE OF COMPLAINTS

All written complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally, in person, and will be accepted by any supervisor.

Complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

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(b) When an uninvolved supervisor or the Sergeant / OIC determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original personnel complaint.

Formal complaints of alleged misconduct not reported in person shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

1020.3 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. Unless the supervisor was involved in or witnessed the alleged incident. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Sergeant / OIC, Captain and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a personnel complaint form has been completed as fully as possible. The original complaint form will then be directed to the Captain, via the chain of command, who will forward a copy of the

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complaint to the Chief of Police, will take any appropriate action and/or forward the complaint to the Captain for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
2. If injuries to the complainant are part of the complainant's allegation, immediate medical attention, if appropriate, should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.
3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Captain or the Chief of Police, who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to state and federal law.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Captain and the Chief of Police for direction regarding his/her role in investigation and/or addressing the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may temporarily assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapon(s) and any other Department equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation and

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the employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) It shall be the responsibility of the assigning supervisor to promptly notify the Captain and the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this Department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution.

The Chief of Police shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the employee may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Department policy.

1020.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE

Investigations of a minor nature may be assigned to the employee's supervisor provided the supervisor was not involved as a witness or an alleged participant in the incident. Allegations that are more serious will be assigned to the Captain for investigation. Whether conducted by a supervisor or an assigned member of the Captain, the following procedures shall be followed with regard to the accused employee(s) in compliance with the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

(a) The Investigator shall not be a person who is the complainant, the ultimate decision maker regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct.

(b) The Department must:

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1. Provide the employee the name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation.
2. Provide the employee the date, time and place of interrogation or hearing.
3. Provide the employee in writing a summary of alleged misconduct and a description of the nature of the investigation.
4. Provide the employee a copy of the signed complaint (Minn. Stat. § 626.89, Subd. 5).

(c) An investigator may not interrogate or take a formal statement of an employee unless the complainant verifies the complaint in writing.

(d) Interviews of accused employees shall be conducted during reasonable work hours of the employee and, if the employee is offduty, the employee shall be compensated (Minn. Stat. § 626.89, Subd. 7).

(e) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors requiring that time is of the essence.

(f) A formal statement will be taken at the employee's usual place of work or at a place agreed upon by the accused employee. An investigator may not interview an employee at that person's home without the employee's prior permission (Minn. Stat. § 626.89, Subd. 4).

(g) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.

(h) All interviews shall be for a reasonable period or duration. The employee's personal needs shall be accommodated (Minn. Stat. § 626.89, Subd. 7).

(i) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(j) The interviewer shall record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided upon request or prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).

(k) Before a formal statement is taken, the employee shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10).

(l) If the allegations involve potential criminal conduct, the employee shall be advised of his/her constitutional rights. This admonishment shall be given administratively whether the employee was advised of these rights during any separate criminal investigation.

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(m) All employees whose formal statement is taken shall have the right to have a representative or attorney of his/her choosing during any interrogation (Minn. Stat. § 626.89, Subd. 9). To maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.

(n) All employees shall provide complete and truthful responses to questions posed during interviews.

(o) An employee may not be compelled nor requested to submit to a polygraph examination or be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).

(p) An employee's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1020.6.1 ADMINISTRATIVE SEARCHES

An employee of this Department may be administratively ordered to submit to a blood, breath or urine test for alcohol and drugs consistent with the organization's drug and alcohol testing procedure.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department. Employees shall have no expectation of privacy with regard to assigned lockers and storage spaces.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation, and include comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

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1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve Department personnel. Additionally, complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

Investigations should be completed within three months of the date the Department becomes aware of the allegation. The Chief of Police may extend the period to if the investigation reasonably requires such an extension.

Should additional time be required, a written request should be made to the Chief of Police, generally 30 days before the end of the period, requesting an extension. A request for extension should include the reason for the request and the completion date requested. Such a request must be approved by the Chief of Police or the authorized designee in writing and a copy provided to the accused employee.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

Upon completion, the report should be forwarded to the Chief of Police through the chain of command of the involved employee.

The Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

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Notice to the complaining party shall be provided as soon as practicable following final disposition and be consistent with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.43 Subd. 2(b)).

1020.8.1 POST ADMINISTRATIVE INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based upon a complaint alleging a violation of a statute or rule that the board is empowered to enforce. Any such misconduct allegation or complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10 Subd. 10).

1020.8.2 WITHDRAWN COMPLAINTS

If the complainant withdraws their complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal.

1020.9 CONFIDENTIALITY OF PERSONNEL FILES

All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained separately from peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel, except pursuant to lawful process, such as Minn. R. 6700.2500. Data in closed files shall be treated as private or public data depending on whether discipline was imposed upon the employee.

All records of investigations shall be securely maintained for no less than the periods established by the organization's records retention schedule.

1020.9.1 SUSTAINED COMPLAINTS

Before being placed in the peace officer's file, the employee will have an opportunity to read and initial the comment or document. If the peace officer submits a written response, the response will be attached to the comment or document (Minn. Stat. § 626.89, Subd. 13).

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the department that relates to the investigation, including any recordings, notes, transcripts of interviews and documents.

Sustained complaints shall be maintained in the employee's personnel file for the prescribed period. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Captain apart from the employee's personnel file.

1020.9.2 REMOVAL OF COMPLAINT

Upon request, an employee may review any administrative file that does not relate to a current investigation.

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If an employee identifies a complaint or allegation that should be removed from his/her personnel file because either the time period has expired or it is an improper document, the employee will write a department memorandum specifically asking for the item to be removed and the reasons for removal.

1020.10 POST INVESTIGATION PROCEDURES

1020.10.1 REPRIMANDS

Any employee wishing to formally appeal a reprimand/discipline must do so in accordance with their collective bargaining agreement.

Reprimands may only be placed in an employee's personnel file after it is received by the employee (see generally Minn. Stat. § 626.89, Subd. 13).

1020.10.2 CAPTAIN RESPONSIBILITIES

Upon receipt of any completed misconduct or personnel investigation, the Captain of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials. The Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police the Captain may return the entire investigation to the assigned detective or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Captain shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

1020.11 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative and/or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses (Minn. Stat. § 626.89, Subd. 9).

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

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(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.

(f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received concerning the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective subject to the collective bargaining agreement or other rights of the employees, such as those under the Veteran's Preference Act.

1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file. The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

1020.13 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated for misconduct, unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal, except for an employee covered by the Veterans' Preference Act. A probationary employee covered by the Veterans' Preference Act is additionally entitled to written notice of the charges and the intent to terminate, suspend or demote, and his/her right to request a hearing within 60 days of receipt of the notice. Failure to request the hearing in the time specified waives the right to the hearing and all other legal remedies. Any hearing shall be held in compliance with law (Minn. Stat. § 197.46).

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Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees operating or riding in Department vehicles or aircraft (Minn. Stat. § 169.686).

1022.1.1 DEFINITIONS

Child Passenger Safety Seat System - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards set forth in 49 CFR Part 571 (Minn. Stat. § 169.685 Subd. 5 (e)).

1022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle or aircraft owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle or aircraft while on-duty. The employee operating such a vehicle or aircraft shall ensure that all other occupants, including non-employees, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Employees must be prepared to justify any deviation from this requirement.

1022.2.1 TRANSPORTING CHILDREN

An approved child passenger safety seat system should be used for all children younger than 8 years of age and shorter than 4 feet 9 inches tall (Minn. Stat. § 169.685 Subd. 5 (b)).

However, if a child passenger restraint is not available, an officer may transport the child using the standard seat belt (Minn. Stat. § 169.685 Subd. 6 (a) (2)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, officers should consider arranging alternative transportation.

1022.3 TRANSPORTING PRISONERS

Prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or by seat belts when possible. The prisoner should be in a seating position for which seat belts

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have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS

No department vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Hopkins Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The FTO Sergeant shall ensure that body armor is issued to all officers when the officer begins service at the Hopkins Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Crime Services Liaison shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Patrol personnel are required to wear the vest at all times while on duty in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions).

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1024.4 TRAINING SERGEANT RESPONSIBILITIES

The Training Sergeant should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

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

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to personnel data in accordance with established law. It is the policy of this department to maintain personnel data pursuant to state law.

Data practices requests shall be processed and handled in accordance with the Minnesota Government Data Practices Act (MGDPA) (Minnesota Statutes Chapter 13).

Without regard to where and how stored, all data about a current or former employee or applicant for employment shall be defined and classified as personnel data consistent with Minn. Stat. § 13.43. All data relating to a criminal investigation of a current or former employee or applicant shall be defined and classified as criminal data consistent with Minn. Stat. § 13.82.

1026.2 ADMINISTRATIVE FILE DEFINED

Administrative file - Any file of an employee containing information, comments or documents about an employee. The term does not include any file relating to an internal investigation. An Administrative File is a personnel file.

1026.2.1 REQUIRED PERSONNEL FILE CONTENTS

Unfavorable comments or documents entered into an employee's personnel file require that the employee has the opportunity to read, initial or comment. If the employee refuses to initial or comment, a notation is to be made upon the document. The employee may also submit a written response to the document.

(a) The personnel file should contain any letter, memorandum or document relating to:

1. A commendation, congratulation or honor bestowed on an employee by a member of the public or by the Department for an action, duty or activity that relates to official duties.
2. Any misconduct by the employee if the letter, memorandum or document is from the Department and if the misconduct resulted in disciplinary action.
3. The periodic evaluation of the officer by a supervisor.

1026.2.2 PERMITTED PERSONNEL FILE CONTENTS

The personnel file may also contain:

(a) Personal data, including dependent data, educational and employment history and similar information.

(b) Medical history including medical leave of absence forms, fitness-for-duty examinations, workers' compensation records, medical releases and all other records that reveal an employee's past, current or anticipated future medical conditions.

(c) Election of employee benefits.

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(d) Employee advancement or promotion.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

City Personnel Files - Administrative files and other employee files maintained by the City and not under the control of the Chief of Police.

Supervisory Files - A file maintained on employees by supervisors for the purpose of creating performance appraisals.

Training File - Any file which documents the training records of an employee.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

All of the personnel data defined above shall be deemed private and shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law or with the employee's written consent. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business (Minn. Stat. § 13.43).

1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any data classified as other than public contained in any personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Sergeant / OIC, the Custodian of Records or other Department member charged with the maintenance of such records.

Upon receipt of any such request, the responsible Department member shall notify the affected employee as soon as practicable that such a request has been made.

The responsible Department member shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases this will require assistance of approved and available legal counsel.

All requests for disclosure that result in access to an employee's personnel data shall be logged in the corresponding file and the affected employee shall be notified.

1026.5.1 RELEASE OF PRIVATE DATA

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Chief of Police designee (Minn. Stat. § 13.43).

Except as otherwise provided by law the home address and any photograph of an employee in the possession of the Department is private data (Minn. Stat. § 13.43, Subd. 2 (c)).

Any person who intentionally discloses private data may be guilty of a crime.

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1026.6 EMPLOYEE ACCESS TO OWN FILE

Upon request, an employee may review all data of that employee other than data classified as confidential.

The employee or his/her authorized representative may, except as otherwise prohibited by federal or state law, review any data relating to the investigation, including any recordings, notes, transcripts of interviews and documents, if the investigation causes the Department to impose discipline and the employee has the right to access to defend in that proceeding.

Any employee seeking the removal of any data from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such data if appropriate, or within 30 days provide the employee with a written explanation why the contested data will not be removed. If the contested data is not removed, the employee's request and the organization's written response shall be retained with the contested data in the employee's personnel file. If the contested data is ultimately removed, the written responses shall also be removed (Minn. Stat. § 181.962, Subd. 1). An employee not satisfied with this resolution may seek such other remedies as are authorized by the MGDPA.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the employee.

1026.7 TYPES OF PERSONNEL FILES

The Department may maintain a personnel file on an employee for the Department's use, but the Department may not release any data contained in the Department file to any agency or person requesting data relating to an employee except as authorized or required by the MGDPA. The Department shall refer to the Chief of Police or designee any person or agency that requests personnel data.

Personnel files can be located in any of the following places:

1026.7.1 CITY PERSONNEL FILE

City Personnel file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained and a copy provided to the employee.

    1. The employee may make a statement in writing, which shall be attached to the performance evaluation.

(b) Disciplinary action.

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1. Disciplinary action resulting from sustained complaints shall be maintained in the individual employee's Department file consistent with the organization's records retention schedule.
2. Investigations of complaints that do not result in discipline shall not be placed in an employee's Department file but will be separately maintained for the appropriate retention period in the internal affairs file.

(c) Data related to discipline that has been entirely overturned on appeal shall not be placed in an employee's Department file but will be separately maintained for the appropriate retention period in the internal affairs file.

(a) If a negative letter, memorandum, document or other notation of negative impact is included in an officer's personnel file, the Department shall, within 30 days after the date of the inclusion, notify the affected officer. The officer may file a written response to the negative letter, memorandum, document or other notation.

  (a) Any such employee response shall be attached to and retained with the original adverse comment.

  (b) If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment.

(b) Commendations shall be retained in the employee's Department file, with a copy provided to the involved employee(s).

(c) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

1026.7.2 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Captain in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Captain. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.

  1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 10-001, 10-002) with an alphabetically arranged index cross-referenced for each involved employee.

(b) Internal investigations files shall be securely maintained for the minimum periods as identified in the Personnel Complaint and Misconduct Policy.

1026.7.3 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

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(a) It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.7.4 EMPLOYEE ASSISTANCE PROGRAMS
Employee assistance records must be kept separate from personnel records and shall not become part of an employee's personnel file (Minn. Stat. § 181.980, Subd. 3).

1026.8 PURGING OF FILES

Personnel data not involved in pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If in the opinion of the Chief of Police a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to records destruction requirements.

1026.9 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as *Brady* material, contained within personnel files.

1026.9.1 DEFINITIONS
***Brady* material** - In *Brady v. Maryland* (373 U.S. 83 (1963)), the U.S. Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence that is favorable to the defendant.

The prosecution - Refers to any prosecuting attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

1026.9.2 RELEASE OF PERSONNEL FILES TO PROSECUTING ATTORNEY
Generally, the only time the prosecuting attorney is entitled to access not public personnel data without filing a court motion is when he/she is investigating the conduct of an employee or this department. The statute, Minn. Stat. § 13.43, Subd. 15, permits this department to disclose such not public data to law enforcement for the purpose of reporting a crime or alleged crime or assisting

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a law enforcement agency in the investigation of a crime allegedly committed by an employee. Such access shall not be considered a waiver of the privacy of the data contained in these files.

Absent authority to disclose the data under Minn. Stat. § 13.43, Subd. 15 or other statute, a specific investigation of this department or the consent of an involved employee, no not public personnel data shall be released to the prosecuting attorney without court order or search warrant. The prosecution of a criminal defendant is not considered an investigation of any involved employee.

Should an employee's credibility or other issues related to an employee's personnel file arise in the context of an employee acting as a witness for the prosecution, access to that employee's personnel file by either the prosecuting attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in court and evidentiary rules.

1026.9.3 PROCEDURE

If an employee is a witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject employee's personnel data to determine whether there are *Brady* materials contained therein (e.g., evidence that may be favorable to the defendant). If potential *Brady* material is located, the following procedure shall apply:

(a) In the event that a court motion has not already been filed by the criminal defendant or other party, the prosecuting attorney shall be notified of the potential presence of *Brady* material in the employee's personnel file.

(b) In the case of not public data the prosecuting attorney should be encouraged to file a motion in order to initiate an in camera review by the court. If the data is classified as public data a copy of it shall be provided to the prosecuting attorney.

(c) Prior to any review of the files by the court the subject employee shall be notified in writing that a court motion has been filed.

(d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court.

(e) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the court motion.

    1. Prior to the release of any not public data to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

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Request for Change of Assignment

1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Intra-Department Application. The employee should also complete any additional requirements of the internal posting.

The form should then be forwarded through the chain of command to the Captain or the supervisor designated on the posting.

1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

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Commendations and Awards

1030.1 PURPOSE AND SCOPE

The Recognition and Award Program is established through the office of the Chief of Police, for the purpose of providing a clearly defined process for employee and citizen recognition. The Recognition and Award Review Board shall be established to standardize and evaluate recommendations for awards to sworn and non-sworn personnel and to determine the individual level of award.

1030.2 RECOGNITION AND AWARD REVIEW BOARD

(a) The Recognition and Award Review Board will consist of a cross section of members representing the department staff, patrol division (includes Investigators) and services division. The board chairperson will be appointed for the Chief of Police. The Chairperson will have responsibility for maintaining records, soliciting membership and holding meetings.

(b) The board will meet as necessary and review all pending recommendations. Supervisors with pending recommendations for their team members will attend the meetings to participate in the process.

(c) The board will make a preliminary decision to approve or deny the recommendation. If approved, the board will categorize the award according to the criteria. The board will forward their findings to the Chief of Police.

1030.3 PROCESS

(a) Any department member may recommend any other member for consideration. Copies should be forwarded to the supervisor of the nominee and the chairperson for the awards board.

(b) The supervisor will review the form and verify the facts, adding any additional information to clarify the events under review. The supervisor will not make a recommendation for award or denial, but will forward the completed form to the awards board chairperson within days of receipt.

(c) The Chief of Police will review the board's preliminary recommendation and return a final recommendation to the board. The Chief may approve or deny the board's recommendation, or make whatever changes in category deemed appropriate.

(d) The board chair will return the completed recommendation to the appropriate supervisor who will notify the nominee of the final disposition. All award recommendations, approved or disapproved, will be included in the employee's personnel file. The board will retain a listing of all award recommendations for the current year.

1030.3.1 AWARDS CRITERIA

Awards with medals shall consist of a medallion, certificate and uniform ribbon.

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- **Medal of Honor:** Awarded to a member who, through diligent and proper performance of duty, performs an outstanding act of bravery and/or heroism, clearly above and beyond the call of duty and under demonstrated threat of death or serious personal injury. The Medal of Honor may awarded posthumously. (purple)
- **Medal of Valor:** Awarded to a member who, through diligent and proper performance of duty and conscious of imminent personal danger, intelligently and in the line of duty distinguishes him/herself by the outstanding performance of an act of valor. (red)
- **Medal for Life Saving:** Awarded to a member who saved the life of another person using exceptional knowledge and skilled behavior. (green/gold)
- **Medal of Commendation:** Awarded to a member for an outstanding police act, which brings credit to the department and is highly recognized. (green)
- **Medal of Achievement:** Awarded to a member for activities which include performance resulting in improved operations, outstanding community service, outstanding administrative accomplishments, or substantial savings in organizational costs. (white)
- **Chief's Award of Excellence:** Awarded to a member who has achieved any of the following:
    - A member developed and initiated a means of increasing the department's administrative or operational effectiveness.
    - A member performed an outstanding administrative accomplishment.
    - A member has demonstrated continued quality service at a level of excellence.
    - A member has performed an outstanding community service.
    - A member receiving this award will be presented with a plaque and certificate. An officer receiving this award will also receive a uniform ribbon.
- **Customer Service Award:** The customer service award is established to recognize individual customer service efforts that effectively represent and further the goals and mission of the Hopkins Police Department.
- **Letter of Recognition:** Given by the immediate supervisor or other superior officer or staff to a member for efforts and contributions which clearly enhance the department's delivery of service. A letter of recognition may be given without going through the board, or may be recommended by the board if appropriate. The letter will be placed in the member's personnel file.
- **Officer of the Year Award:** This award recognizes an officer for outstanding performance or exceptional contributions that clearly exceed department requirements.

1030.3.2 SPECIAL SERVICE AWARDS

Any member who wishes to officially commend a citizen shall make a recommendation in writing to the board, citing the details and reason for consideration. Citizens will be awarded a Certificate

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of Appreciation, along with a letter from the Chief of Police. The presentation may be made before the City Council when appropriate.

(a) **Citizen's Award of Valor:** The Citizen's Award of Valor may be awarded to citizens for exemplary and heroic acts which exposed them to considerate danger.

(b) **Certificate of Appreciation:** A department Certificate of Appreciation may be presented to any citizen, organization or agency in recognition of outstanding service to the Department or for assistance in law enforcement efforts.

1030.3.3 SERVICE AND RETIREMENT AWARDS

The Department recognizes its members who have achieved benchmark anniversaries in their years of service and each member who retires. Department members will be recognized for their years of service and attendance at five, ten, fifteen, twenty, twenty-five and thirty years.

1030.3.4 ANNUAL AWARDS CEREMONY

Each year, the Department sponsors a banquet to honor commendations awarded recipients, retirees, and former members who resigned. Department members, city officials, award recipients, guests, members of the community, and media representatives are invited.

1030.3.5 PUBLIC RECOGNITION

Press releases concerning all the commendation and service awards are prepared through the Chief's office and distributed with appropriate photographs to local print and electronic media.

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Sergeant / OIC or the Captain, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

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1032.5 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Sergeant / OIC or unit supervisor and concurrence of a Captain, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

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(g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from the employee's personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any two day (48 hour) period or
- 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to a remedy outlined in thier respective collective bargaining unit or the personnel policies of the city.

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WORKING OUT ON DUTY

1033.1 PURPOSE

Physical fitness is an essential part in the daily role of a law enforcement officer. Officers commonly encounter situations that can be physically and mentally demanding. Officers with improved physical fitness can more effectively handle these situations with a lessened likelihood of injury.

The Hopkins Police Department encourages officers to maintain a high standard of physical fitness. Officers are afforded the opportunity to utilize a workout facility in order to improve and maintain their physical abilities. The benefits of maintaining high levels of physical fitness are plentiful; improved capability to perform specific physical tasks, improved ability to mobilize the body efficiently, improved tolerance to fatigue, improved employee morale, reduced risk during physical tasks, better psychological preparation, reduction in sick time, improved productivity, improved performance, improved abilities off–duty, and increased longevity after retirement.

Working out on duty will also assist officers in their performance for the annual voluntary fitness standard. As part of the voluntary fitness standard officers will participate in a three-pronged fitness evaluation as determined by the cooper standard (law enforcement physical fitness standards divided into categories based on age and sex). The Hopkins Police Department will encourage officers to set their own goals for the voluntary fitness standard and improve upon their past scores.

1033.1.1 POLICY

The Department will allow its employees to work out while On Duty while following these guidelines:

- Employees may work out with Sergeant/Supervisor approval.
- Employees may work out at the Fire Department fitness center or outdoor fitness activity approved by a Sergeant/Supervisor.
- Employees must still be able to respond to calls for service while working out, if their position requires it.
- Employees *may not* work out on duty at a commercially operated gym or fitness facility.

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Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all City employees pursuant to Minn. Stat. § 177.253, Minn. Stat. § 177.253 and Minn. R. § 5200.0120.

1034.1.1 MEAL PERIODS

Each employee who works for eight or more consecutive hours is entitled sufficient break time to eat a meal (Minn. Stat. § 177.254). Licensed employees and PSOs shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall request clearance from their supervisor prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless approved by their supervisor or are on assignment outside of the City.

1034.1.2 10 MINUTE BREAKS

Each employee is allowed adequate time from work within each four consecutive hours of work to utilize the nearest convenient restroom (Minn. Stat. § 177.253).

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This does not prohibit them from taking a break outside the facility if on official business.

Officers are subject to call, and shall monitor their radios.

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Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act and Minnesota law, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child, pursuant to Minn. Stat. § 181.939 and 29 USC § 207.

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify their supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Minn. Stat. § 181.939).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private (Minn. Stat. § 181.939). Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207). The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

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Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Record Procedures

1036.1 PURPOSE AND SCOPE

Payroll records are submitted to the Finance Department on a biweekly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages. All employee's time sheets shall be submitted to their supervisor prior to the end of the pay period.

1036.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis, usually on Thursday with certain exceptions such as holidays.

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Overtime Payment Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt employees who work authorized overtime In order to qualify, the employee must complete and submit a Request for Overtime Payment to the supervisor on duty at the time the hours are worked.

1038.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained. Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor.

If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day, less than one half hour may be handled unofficially between the supervisor and the employee. The individual employee may request other compensation in accordance to their contract

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all supplemental time records to their immediate supervisor or the supervisor on duty. Failure to submit a request for overtime payment in a timely manner may result in delay of payment.

1038.2.1 EMPLOYEES' RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Sergeant / OIC. Employees submitting overtime forms for on-call pay when off-duty shall submit forms to the supervisor as soon as possible.

1038.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time sheet, the overtime payment request will be forwarded to the employee's supervisor for final approval.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., minimum hours for court, minimum hours for callback).

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest tenth of an hour.

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1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial and the amount of time for which payment is requested varies from that reported by the other employee, the Sergeant / OIC or other approving supervisor may require each employee to include the reason for the variation stated on the overtime payment request.

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Outside Employment

1040.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered. Employees in the Military are covered in both State and Federal law.

Outside Overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must make the request to the Chief of Police in writing.

Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current collective bargaining agreement.

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1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMISSION
Permission for outside employment, may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Revocation will be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permit(s). After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.

(b) If, at any time during the term of a valid outside employment, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT
The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(e) Involves employment of a type or capacity that would adversely affect the perception of that employee as a police officer by the public, engender mistrust or otherwise discredit the Department and profession of law enforcement due to a questionable moral or ethical conflict of interest in that form of outside employment .

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1040.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest no sworn member of this department may engage in any outside or secondary employment as a private security guard.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a request to the Captain in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

(a) The applicant will be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(b) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the Department uniform/identification.
2. The officer(s) shall be subject to all the rules and regulations of this department.
3. Outside employment, not paid through the department, is not subject to the collective bargaining process.
4. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

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1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to their supervisor.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.

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On-Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to the City Personnel Department, to ensure proper medical attention is received and document the circumstances of the incident.

1042.2 WORKERS' COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries, exposures to communicable disease and work-related illnesses requiring medical care must be documented and also reported to the Minnesota Department of Labor and Industry (Minn. Stat. § 176.231 Subd. 1). A claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Records of work-related injuries and work-related illnesses shall be maintained as prescribed by Minnesota law in the City workers' compensation file.

1042.2.2 DEFINITIONS

Accident - Any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

Occupational Disease - A disease arising out of and in the course of employment that is peculiar to the occupation in which the employee is engaged and due to causes in excess of the hazards ordinary of employment and shall include undulant fever (Minn. Stat. § 176.011 Subd. 15).

Personal Injury - An injury arising out of and in the course of employment, including personal injury caused by occupational disease, while engaged in, on or about the premises where the employee's services require the employee's presence as a part of that service at the time of the injury and during the hours of that service (Minn. Stat. § 176.011, Subd. 16).

1042.2.3 EMPLOYEE'S RESPONSIBILITIES

An employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

An employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician.

An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Department policies and directives relating to the duty to periodically call in during absences in addition to the duty to notify the Department of any change in condition or anticipated duration of the absence.

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When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Department. Modified-duty may be available for employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1042.2.4 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury, illness or accident should promptly complete a Supervisor's Accident/Incident Report form and a First Report of Injury Form/ Incident/Injury/ Illness Data Form to be forwarded to the Minnesota Department of Labor and Industry through the organization's Workman's Compensation service provider (Minn. Stat. § 176.231 Subd. 1):

(a) Within 48 hours after an occurrence that resulted in death or serious injury to an employee.

(b) Within 10 days after an occurrence that wholly or partially incapacitated an employee for more than three calendar days.

The supervisor shall provide the employee with a Workers' Compensation Information and Privacy Statement Form at the same time the employee is given a copy of the First Report of Injury Form (Minn. Stat. § 176.231, Subd. 2). The supervisor shall request that the employee review and sign the statement. The supervisor shall then complete the Supervisor's report of injury and forward all forms through the chain of command.

Updated copies of forms with instructions for completion, provided by the Workers' Compensation Coordinator, shall be kept in the Sergeant's office and in the workroom filing cabinet

For work-related accidents, injuries or illness not requiring professional medical care, an initial report of injury and a Supervisor's Report of Injury form shall be completed. The completed form shall be forwarded to the Captain, through the chain of command.

When an accident, injury or illness is reported initially on the Supervisor's Report of Injury Form and the employee subsequently requires professional medical care, the State of Minnesota First Report of Injury Form and the Agency Claims Investigation Form shall be completed. The injured employee and supervisor shall sign the forms in the appropriate location.

Copies of any reports documenting the accident or injury should be forwarded to the Captain as soon as completed.

Any occupational injury, illness or accident in which an employee is killed or more than three employees are hospitalized shall be reported within eight hours to the Minnesota Department of Labor and Industry (800-342-5354) or if after business hours, to the federal Occupational Safety and Health Administration (800-321-6742) pursuant to 29 CFR § 1904.

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1042.2.5 CAPTAIN RESPONSIBILITIES
The Captain receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

1042.2.6 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Personnel Department. Any copies of the report and any related documents retained by the Department shall be filed in the employee's private medical file and not in the employee's personnel file (see Personnel Files Policy).

1042.3 SETTLEMENT OF INJURY CLAIMS
Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed.

1042.3.1 EMPLOYEE TO REPORT INITIAL CONTACTS
When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as practicable.

1042.3.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

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Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer health safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance.

- For male licensed members:
  - The hair shall be clean and neatly groomed. Length and/or bulk of the hair shall not be excessive and must be evenly tapered on both the sides and back. It shall not partially or entirely cover more than one-third (1/3) of the ear. It shall not partially or entirely cover the collar except for the closely cut hair at the back of the neck at normal posture. In all cases, the bulk or length of the hair shall not interfere with the normal wearing of all standard headgear when applicable.
  - Bushy hair protruding from the side or back of the head when a hat is worn is prohibited.
  - Wigs or hair pieces are permitted if they conform to natural hair standards
- For female licensed members:
  - Hair shall be clean and neatly groomed. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear when applicable.
  - Wigs or hairpieces are permitted if they conform to the above standards for natural hair.
  - If dyes, tints, or bleaches are used on the hair, the artificial color must harmonize with the person's complexion tone and eye color. Conspicuous artificial color is prohibited.
  - The hair shall be neatly shaped and arranged. Pins, barrettes, and combs may be used, but may not be worn in a conspicuous fashion.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

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1044.2.3 SIDEBURNS
Sideburns will be neatly trimmed. Sideburns shall not extend past the bottom of the ear lobe, and shall be the same width at the bottom as at the top.

1044.2.4 FACIAL HAIR
Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or designee.

1044.2.5 FINGERNAILS
Long fingernails can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that they are not a hazard and impede job performance.

1044.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar. Earrings may be worn by uniformed licensed members, investigators or special assignment personnel in compliance with societal norms for professional appearance. Only one ring may be worn on each hand of the employee while on-duty.

1044.3 TATTOOS
At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible that is offensive in nature or detrimental to the perceived professionalism of the department.

A modified uniform may be allowed at the discretion of the Chief to cover offensive tattoos.

1044.4 BODY PIERCING OR ALTERATION
Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

1044.4.1 STANDARDS FOR NON-UNIFORMED PERSONNEL
Non-uniformed personnel shall wear their hair in a modern business-like style following the general standards required for uniformed Police personnel. Division supervisors can authorize specific exemptions based upon job requirements and assignments.

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Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Hopkins Police Department is established to ensure that uniformed officers, special assignment personnel and non- licensed employees will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated policies:

- Duty Firearms
- Department Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The Hopkins Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The uniforms for officers of this department shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications and procedures which are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.

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(h) If the uniform is worn while in transit while driving a personal vehicle an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing the Department uniform.

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or designee.

1. Wrist watch.
2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/ set may be worn on each hand.
3. Medical alert bracelet.
4. Earrings as allowed in policy 1044

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a Department authorized firearm.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Captain.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

Regular uniform pants(non-cargo), uniform blue shirt with gold or silver buttons on pockets and epaulets, service tie with long sleeved shirt and tie bar optional, gold or silver name badge over right pocket, standard duty belt, polished black shoes or boots. Service hat for outdoor and ceremonial occasions.

Department Awards- . Citation bars should be worn with the Class A uniform as follows:

(a) single citation bar shall be centered on the top of the right pocket and above the name plate.

(b) Two (2) citation bars shall be centered above the right pocket and above the name plate with the highest ranked award placed closer to the center of the shirt.

(c) Three (3) citation bars shall be placed above the right pocket and above the name plate with the highest ranked award closest to the center of the shirt.

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(d) Additional citation bars will be added to a second row with higher rated awards on the top row. Use of a citation bar to organize multiple awards is authorized provided the device does not display a brand name and is gold, silver, dark blue or black in color. The citation bar should be constructed to minimize the border of the device shown around the citation bars.

(e) Multiple awards in the same category shall be shown by appurtenances displayed on the face of the citation bar or metal ribbon.

(f) Medals awarded by the department may be displayed with any Class A uniform during ceremonial occasions.

(g) Other insignia authorized for display on the uniform shall be worn below the badge on the left side of the shirt.

1046.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Polished shoes or boots.

(e) Approved all black unpolished polished shoes may be worn.

(f) Boots with pointed toes are not permitted.

1046.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as SWAT, Bicycle Patrol and other specialized assignments.

1046.3.4 REGULATIONS

(a) Unless otherwise ordered, members of this department, while on duty, shall wear such uniforms and uniform equipment as prescribed by the department. Supervisors may elect to not allow an officer or uniform employee to begin a duty assignment if the uniform does not meet the regulations set forth.

(b) Members shall not report for duty wearing soiled, torn or patched uniforms. Supervisors will periodically inspect uniforms to insure compliance with this policy.

(c) Members shall determine their duty uniform for routine duty assignments. Choice of pant style (cargo or regular) and choice of uniform shirtsleeve length shall be left to the employee to determine based on weather and expected duties.

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1. A Shift Supervisor, Captain, or Chief may dictate specific uniform of the day at their discretion.
2. For uniform appearance in court proceedings, a Class A uniform with long sleeved shirt will be worn from September 1 through May 1. During other times a Class A summer uniform may be worn. Off duty officers may report for court in appropriate civilian attire if authorized by the Prosecutor.

(d) All shirts buttons including cuffs will be fastened. Officers will display silver buttons on all shirt pockets and epaulets on Class A shirts. Sergeants, Captain and Chief will display gold buttons on all shirt pockets and epaulets on Class A shirts.

(e) Undershirt/T-shirt - The T-shirt to be worn with summer Class A uniform shall be white. T-shirt to be worn with Class B duty or Class B summer duty uniform may be white, black or dark blue. All T-shirt sleeves must be shorter than the uniform shirt being worn.

(f) The Chief and Captain may elect to substitute a uniform white shirt as a part of standard duty uniform wear at their discretion. The Chief and Captain may wear a dress service coat at their discretion.

(g) Uniform ties - A uniform tie may be worn with the Class A uniform with Long sleeved shirt. The tie shall be a "ready tied" knot with a bend over the middle clip allowing a breakaway feature when worn.

(h) Uniform tie bar - Use of a tie bar shall be optional when wearing a uniform tie. Only a department approved tie bar/tie tack shall be used. The tie bar shall be worn horizontally and neither higher than the top of the shirt pocket nor lower than the bottom points of the shirt pocket flaps.

(i) Turtleneck undershirt - A navy blue turtleneck may be worn in lieu of the tie with the standard duty uniform. The letters "HPD" may be embroidered on the neck of the turtleneck in gold letters. Plain turtlenecks are allowed.

(j) Name tags - Name tags shall be worn above the seam of the right breast shirt pocket on Class A uniforms. Tags shall be gold or silver in color. Clutch back attachments noting the number of years of service may be worn. Additional clutch back attachments must have approval of the Chief. Class B uniforms must have the officer's name embroidered above the right pocket in gold thread.

(k) Service hat - Wearing of the service hat shall be optional with the wearing of the Class B or Class B summer duty uniform. A shift supervisor, Captain or Chief may require the wearing of the service hat at any other time. When uniform hats are worn, they will be worn in a level position with the hat badge visible. Hats shall be kept in a location readily available to the officer while on duty.

(l) A baseball style cap may be worn with the Class B or Class B summer duty uniform. The cap shall have gold lettering stating "Hopkins Police" in a style approved by the Chief.

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(m) Boots - High top boots may be worn with the standard duty or standard summer duty uniform. Boots shall be black, plain toe with a smooth finish. Lace up or slip-ons are authorized.

(n) Socks - Socks shall be black or navy blue in color when worn with black leather shoes. White socks may be worn with boots only if no part of the sock is visible when the officer is standing, walking or seated.

(o) Foot gear for snow and rain - Slip on style overshoes or rubbers may be worn during wet or snowy conditions. Overshoes and rubbers must be black in color. All fasteners must be closed when worn. During conditions of extreme cold or high snow, the shift supervisor, Captain or Chief may authorize the wearing of snowmobile type boots.

(p) Rain gear - Rain gear shall consist of a black, yellow or blaze orange coat. The uniform badge is not required to be displayed on this garment.

(q) Gloves - Gloves may be worn, as seasonal conditions require. Gloves shall be black in color, department issued.

(r) Personal jewelry - Wearing of earring, necklaces and rings is discouraged due to the rigorous activity that employees may be called upon to perform. The department assumes no liability for damage done to personal jewelry or injuries resulting from catching jewelry during physical activity. Supervisors, Captain and the Chief may require personal jewelry to be removed when the item detracts from the uniform appearance of the employee.

(s) All identifying insignia will be removed and returned to the department before a garment is thrown away.

1046.4 INSIGNIA AND PATCHES

(a) Shoulder patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) The regulation nameplate, or an authorized sewn-on embroidered name, shall be worn at all times while in uniform. The nameplate shall display the employee's last name and initial of the first name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(c) Assignment Insignias - Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police.

(d) Badge - The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Licensed non-uniform personnel will wear or carry their badge in a manner that it is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

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(e) Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1046.4.1 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this state - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or designee.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone.
2. Open-toed sandals or thongs.
3. Swimsuit, tube tops or halter tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons or pins.
6. Denim pants of any color.
7. Shorts.
8. Sweat shirts, sweat pants or similar exercise clothing.

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(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Hopkins Police Department or the morale of the employees.

(g) Licensed employees carrying firearms while wearing civilian attire must wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Hopkins Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a badge, patch or other official insignia of the Department, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Hopkins Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased at the expense of the employee using their uniform allowance provided in their collective bargaining agreement.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property in the Department-Owned and Personal Property Policy.

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1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Hopkins Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Hopkins Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Department Badges

1052.1 PURPOSE AND SCOPE

The Hopkins Police Department badge and uniform patch as well as the likeness of these items and the name of the Hopkins Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Licensed officers, with the written approval of the Chief of Police, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

(a) Should the flat badge become lost, damaged or otherwise removed from the officer's control he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(b) An honorably retired officer may keep his/her flat badge upon retirement.

(c) The purchase, carrying or display of a flat badge is not authorized for non-licensed personnel.

1052.2.2 CIVILIAN PERSONNEL

Badges and Department identification cards issued to non- licensed personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control, dispatcher).

(a) Non-licensed personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Non-licensed personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed officer.

1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may retain their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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1052.3 UNAUTHORIZED USE

Department badges and identification cards are issued to all licensed employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or his/her designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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Modified-Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and due to restrictions or limitations are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1054.2 DEFINITIONS

Modified duty - A temporary limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified- duty also may be termed as light-duty assignments.

1054.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous reassessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is not duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

1054.4 PROCEDURE

Employees may request assignment to modified-duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to the

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Captain or designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Captain will determine what modified-duty assignments may be available based on the needs of the Department, the limitations of the employee and the suitability of the employee to work a particular assignment.

1054.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or Department needs at the discretion of the Captain.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1054.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Captain apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Captain, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Captain and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

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Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.5 PREGNANCY

Pregnancy shall be treated as any other medical condition for purposes of this policy. Modifications of duty assignments based upon pregnancy shall be based upon the process and criteria established within this policy.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding family and medical care leave.

1054.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1054.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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Performance History Audits

1056.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors in evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for and must be carefully balanced with the many variables in law enforcement, such as:

- An officer's ability to detect crime.
- An officer's work ethic.
- An officer's work assignment and shift.
- An officer's physical abilities, stature, etc.
- Randomness of events.

1056.2 POLICY

The records department will maintain statistics with regard to officers' performance. These reports will be disseminated on a regular basis to the command staff and officers.

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SOCIAL NETWORKING

1058.1 INTRODUCTION

The Hopkins Police Department recognizes that its employees have the right to create, maintain and participate in personal web pages and other Internet-based sites and postings. However, the department also recognizes its obligation in establishing standards of conduct relating to this activity, to maintain public confidence and respect for the department. Adherence to this policy will maintain and protect the high ethical standard we have set for ourselves under our mission statement and code of ethics.

1058.1.1 PURPOSE

The purpose of this policy is to give employees guidance regarding appropriate content for personal websites, social media or networking websites, web pages and other electronically transmitted or hard copied material with respect to the use of the Hopkins Police Department's images, material, logos, or any reference to official department activities, training or investigations.

All members of the Hopkins Police Department are reminded that professionalism, ethics, and integrity are of paramount importance in the law enforcement community. The integrity of the department must be above reproach. Therefore, all employees must avoid any conduct which would compromise our integrity and thus, undermine the public confidence in our department or this profession.

1058.2 DEFINITIONS

(a) **Social Networking Site:** Means any Internet-based website where members of that site can electronically gather to share personal profiles along with other information and photos with other members.

(b) **Privacy:** Hopkins Police Department employees should understand that information posted on social networking sites is not secure or private. Any member of the public may view the information.

(c) **Liability:** Due to the nature of their employment in the law enforcement field, employees are held to a higher standard. As a result, postings on social networking site could prove detrimental in civil and criminal proceedings.

1058.3 PROCEDURE

(a) Employees are allowed to post photographs of themselves in uniform from official department functions such as awards recognitions and swearing in ceremonies, etc. Employees are strictly prohibited from posting photos of day-to-day operations or photos from calls for service. Exceptions to this rule must be granted by the Chief of Police.

1. All photos of employees in uniform must be professional and not compromise the integrity of the Hopkins Police Department.

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2. Employees are prohibited from posting photos of other members in uniform without that specific person's permission to do so.
3. Employees are prohibited from posting status updates with any type of reference to work-related activities.
4. Authorized city personnel are allowed to post on the City of Hopkins social networks on duty, as long as it is work-related.

(b) Employees are prohibited from posting, transmitting and/or disseminating any photographs, video, wording or content that is unethical, slanderous, derogatory or is likely to adversely affect the discipline, good order or reputation of the department, or that tends to compromise the integrity of the department member(s) on any personal website, social medial or networking website, web pages and other electronically transmitted or hard copied material.

(c) Employees are prohibited from posting, transmitting and/or disseminating any pictures, videos or materials of official department training, activities or work-related assignments without the express written permission of the Chief of Police.

(d) Employees are prohibited from posting, transmitting and/or disseminating any pictures, videos, working or content related to any past or present investigation conducted by the department.

(e) Employees are encouraged to thoroughly review the City of Hopkins Personnel Policy on computer and technology for procedures and guidelines on the use of the computer system.

(f) Employees should not post any wording and/or transmit or disseminate any pictures, videos, or audio recordings on any personal website, social media or networking website, or web pages **while on duty.** Exception: If the social networking is done in pursuit of an investigation.

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POST Licensing

1060.1 PURPOSE AND SCOPE

Maintaining a valid POST license is a critical element of an officer's ability to continue their employment and is their sole professional responsibility. Every officer and every part-time officer is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900).

1060.2 RENEWAL SCHEDULE

Any officer whose license expires is not authorized to work as a peace officer until the license status is valid. Officers renew their POST licenses according to the following schedule (Minn. R. 6700.1000):

- Last name starting with A-G will renew in 2007 and every third year thereafter.
- Last name starting with H-M will renew in 2008 and every third year thereafter.
- Last name starting with N-Z will renew in 2009 and every third year thereafter.

1060.2.1 LICENSE RENEWAL CREDITS

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the POST board proof the licensee has successfully completed board-approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continuing credit are (Minn. R. 6700.1000 Subd. 3):

- 6 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

1060.2.2 LICENSE PROCESS

A general schedule for the license renewal process is:

- February - The Department or officer will receive employment verification.
- March - The Department or officers are sent a license renewal application.
- June - A final notice will be sent from POST for those who have not renewed.
- June 30 - The deadline date for license renewal after which officers whose license expires will no longer be authorized to practice law enforcement or carry a firearm.

The Captain or his designee will receive and process all POST license paperwork. It is the officer's responsibility to maintain independent training records if needed.

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1060.2.3 INACTIVE LICENSE

Officers who fail to complete the requirements will have their license placed in the "Inactive" status. The employee may then be placed in a temporary administrative assignment until their license is "Valid". Those employees may also face administrative discipline up to and including termination.

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